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2
HOUSE JOURNAL

(EXTRA SESSION,)

OF THE

81

LEGISLATIVE ASSEMBLY

OF

KANSAS TERRITORY,

FOR THE YEAR

1857.

PUBLISHED BY AUTHORITY

OF THE TERRITORY

LAWRENCE, KANSAS:
SAM. A. MEDARY, PUBLIC PRINTER.
1861.

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July 10, 1852, F.S.P.

HOUSE JOURNAL.

LECOMPTON, K. T., Monday, }
December 7, A. D. 1857. }

Pursuant to the following proclamation, of the Hon. Fred. P. Stanton, Acting Governor of the Territory of Kansas, the House of Representatives met in the hall at 12 o'clock M :

PROCLAMATION.

To the Members of the Legislative Assembly of the Territory of Kansas :

An extraordinary occasion having occurred in the affairs of the Territory, within the meaning of the thirtieth section of the Organic Act, which authorizes the Legislature to be called together upon such occasions.

I, FRED. P. STANTON, Secretary and Acting Governor, do hereby summon the members of the Council and House of Representatives, of the said Territory, to assemble in their respective Houses, at Lecompton, on Monday next, the 7th inst., then and there to consider matters of great moment, pertaining to the public welfare.

Given under the seal of the Territory, at Lecompton, this the first day of December, A. D. 1857.

FRED. P. STANTON.

House was called to order by Fred. P. Stanton, secretary of the Territory.

The roll being called, the following gentlemen answered to their names.

From the first Representative district, H. B. Denman; from the 3d Rep. district, B. H. Brock, H. Stratton, C. Graham; from the 4th and 5th Rep. districts, E. N. Morrill; from the 7th Rep. district, Henry Owens, S. S. Cooper; from the 10th Rep. district, John Speer, George W. Deitzler, Oliver Barber, Hiram Appelman, Andrew T. Still, George W. Zinn, Gideon Seymour, John Lockhart; from the 11th Rep. district, James A. Delong; from the 12th, 13th, 14th, 15th and 16th Rep. districts, John Curtis.

There being no quorum present,

On motion,

Adjourned until 3 o'clock P. M.

THREE O'CLOCK P. M.

House met pursuant to adjournment.

Hon. Fred. P. Stanton in the chair.

The roll being called,

Sixteen members only answered to their names.

No quorum being present,

On motion,

House adjourned until to-morrow, at 10 o'clock A. M.

G. W. DEITZLER,
Speaker of the House of Representatives.

TUESDAY, Dec. 8th, 1857, }
TEN O'CLOCK A. M. }

House met pursuant to adjournment.

Secretary Stanton in the chair.

Roll called.

Seventeen members answered to their names.

For the purpose of effecting a temporary organization, Mr. Curtis moved that Mr. G. W. Deitzler be chosen Speaker, *pro tem*.

C. F. Currier, clerk, *pro tem*.

G. F. Warren, sergeant-at-Arms, *pro tem*.

T. A. Blake, doorkeeper, *pro tem*.

Mr. Graham offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed to ascertain the number of members present in town, and report their names forthwith.

The chair appointed Messrs. Graham, Owens and Lockhart said committee.

On motion of Mr. Speer,

A call of the House was had.

No quorum being present,

Further proceedings under the call were dispensed with, and

On motion,

The House adjourned until 2 o'clock P. M.

Two o'clock P. M.

The House met pursuant to adjournment.

Mr. Deitzler in the chair.

The roll being called,

Twenty members answered to their names.

A quorum being declared present,

On motion of Mr. Seymour,

Judge Joseph L. Speer, of Jefferson county, was invited to administer the oath of office to the members present.

Whereupon, H. B. Denman, and A. B. Bartlett, of the 1st Representative district; B. H. Brock, H. Stratton and C. Graham, of the 3d Rep. district; E. N. Morrill, of the 4th and 5th Rep. districts; Henry Owens and S. S. Cooper, of the 7th Rep. district; Charles Jenkins, of the 9th Rep. district; John Speer, Oliver Barber, Hiram Appelman, Andrew T. Still, George W. Zinn, Gideon Seymour, John Lockhart and George W. Deitzler, of the 10th Rep. district, took the oath of office and entered upon the discharge of their duties.

On motion of Mr. Cooper,

The Rev. William Wilson was invited to open the deliberations of the House with prayer.

On motion of Mr. Owens,

The House took a recess of one hour.

At the expiration of the hour, House met.

Christopher Columbia, from the 12th, 13th, 14th, 15th and 16th Representatives districts, presented himself.

On motion of Mr. Owens,

The oath of office was administered by Judge Joseph L. Speer, and he entered upon the discharge of the duties of his office.

On motion of Mr. Speer,

The House proceeded to the election of permanent officers.

Mr. Curtis moved to elect Speaker by ballot, which motion was Lost.

Mr. Speer moved that all officers be elected by *viva voce* vote. Carried.

Mr. Speer nominated G. W. Deitzler.

Mr. Denman nominated A. B. Bartlett, for Speaker of the House.

The roll being called, G. W. Deitzler received 18 votes and A. B. Bartlett received 3 votes.

Those having voted for Mr. Deitzler were

Messrs. Bartlett, Brock, Stratton, Graham, Morrill, Owens, Cooper, Jenkins, Speer, Barber, Appelman, Still, Zinn, Seymour, Lockhart, Delong, Curtis and Columbia—18.

Those voting for Mr. Bartlett were

Messrs. Denman, Armsbury and Deitzler—3.

Mr. Deitzler having received a majority of all the votes, was declared duly elected, and, having taken the oath of office, entered upon the discharge of his duties.

Mr. Curtis moved that the House now proceed to the election of chief clerk, and put in nomination C. F. Currier, who

Upon motion of Mr. Bartlett,

Was declared unanimously elected; who, after having taken the oath of office, entered upon the discharge of his duties.

The House then proceeded to the election of assistant clerk.

Mr. Owens nominated W. B. Parsons, who

Upon motion of Mr. Speer,

Was declared unanimously elected, and, after having taken the oath of office, entered upon the discharge of his duties.

The House proceeded to the election of sergeant-at-arms.

Mr. Stile nominated G. F. Warren, who

Upon motion of Mr. Owens,

Was declared unanimously elected.

The House proceeded to the election of doorkeeper.

Mr. Curtis nominated Jacob Branson.

Mr. Owens nominated T. A. Blake.

Mr. Blake, having received a majority of all the votes, was declared duly elected, and was sworn into office.

Message from the Council :

MR. SPEAKER :—I am instructed to present you the following extract from the journal of the Council :

Resolved, That the secretary of the Council communicate to the House of Representatives that the Council is duly organized by the election of C. W. Babcock, President ; J. K. Goodin, secretary ; G. A. Colton, assistant secretary ; D. A. Weir, engrossing clerk ; B. F. Hutchins, enrolling clerk ; A. Cutler, sergeant-at-arms ; W. R. Frost, doorkeeper, and is now prepared to proceed to business.

J. K. GOODIN,
Secretary.

House proceeded to the election of engrossing clerk.

Mr. De Long nominated Guilford Dudley.

Mr. Denman nominated H. R. Whiting.

The roll being called, Mr. Dudley received 16 votes, and Mr. Whiting received 5 votes.

Mr. Dudley having received a majority of all the votes, was declared duly elected.

The House proceeded to the election of enrolling clerk.

Mr. Morrill nominated Henry C. Sargent, who

On motion of Mr. Stratton, was declared unanimously elected.

G. F. Warren, sergeant-at-arms ; Guilford Dudley, engrossing clerk ; Henry C. Sargent, enrolling clerk, after having taken the oath of office, entered upon the discharge of their respective duties.

On motion of Mr. Curtis,

Rev. Chas. H. Lovejoy was unanimously elected chaplain for the House.

The House proceeded to the election of messenger.

Mr. Cooper nominated Master Robert Speer, who

Upon motion of Mr. Stratton, was unanimously elected.

Mr. Bartlett offered the following resolution, which was lost :

Resolved, That a committee of three be appointed by the Chair to inform the Council that the House has organized by the election of G. W. Deitzler as Speaker ; C. F. Currier as chief clerk ; W. B. Parsons, assistant clerk ; G. F. Warren, sergeant-at-arms ; T. A. Blake, doorkeeper ; Henry C. Sargent, enrolling clerk ; Guilford Dudley, engrossing clerk ; Robert Speer, messenger, and Rev. Charles H. Lovejoy, chaplain ; and that it is now ready to proceed to business.

Mr. Speer moved that the clerk be instructed to inform the Council of the organization of the House, which was

Carried.

Mr. Seymour offered the following resolution, which was adopted :

Resolved, That a committee of three be appointed to prepare rules for the government of the House, with instructions to report to-morrow.

The Chair appointed Messrs. Seymour, Cooper and Stratton.

The following resolution was offered by Mr. Speer, which was carried :

Resolved, That a committee of three, concurrent with a similar committee from the Council, be appointed, by this House, to wait upon the Governor and inform him that the Legislative Assembly is now organized and ready to receive any communications which he may desire to make.

Chair appointed Messrs. Speer, Zinn and Bartlett said committee.

Mr. Curtis moved a reconsideration of the vote taken upon the resolution of Mr. Seymour on rules, which was

Lost.

The following message was received from the Acting Governor and read :

LECOMPTON, December 8, 1857.

Fellow Citizens of the Council and House of Representatives:

In the absence of the Governor, who, by leave of the President, has gone to Washington on important public business, and while thus temporarily clothed, by the Organic Act, with all the powers and duties of the chief executive office, I have felt constrained to call you together, in order that you may adopt prompt legislative measures to avert the calamities which imminently threaten the public peace. From the representations of a majority of your own bodies, as well as from other information of an authentic character, I have reason to know that recent events have produced a profound agitation of the public mind, and that a sense of wrong and injustice, whether well or ill founded, and an apprehension of great evils to be suffered therefrom, have aroused the people of the Territory to a condition of dangerous excitement. The proceedings of the late constitutional convention are the immediate cause of the existing trouble and alarm.

The law passed at the last session of the Legislative Assembly, providing for the organization of a convention to frame a constitution for the government of Kansas, as one of the States of the Union, was adopted at a period, when, unfortunately, the people of the Territory were divided by a bitter hostility, resulting from the previous state of commotion and civil war. In consequence of this embittered state of feeling, and of the distrust naturally thereby engendered, one of the parties, constituting a large majority of the people, refrained almost entirely from all participation in the proceedings instituted under the law aforesaid. The census, therein provided for, was imperfectly obtained from an unwilling population, in nineteen counties of the Territory, while

in the remaining counties, being also nineteen in number, from various causes, no attempt was made to comply with the law. In some instances, people and officers were alike averse to the proceedings; in others, the officers neglected or refused to act, and, in some, there was no efficient organization, enabling the people to secure a representation in the convention. Under the operation of all these causes combined, a census list was obtained of only nine thousand two hundred and fifty-one legal voters, confined to precisely one half of the Territory, though these were, undoubtedly, the most densely populated. Upon this imperfect registration, the appointment for delegates to the convention was necessarily founded, those counties in which no census had been taken, having no delegates assigned to them.

At the election which followed, in pursuance of the convention law, less than one fourth of the registered electors, two thousand two hundred and ——— voters, participated in the election of delegates. The average aggregate vote in favor of all the successful candidates, was about eighteen hundred.

It thus appears that, in the election of the fifteenth June last, for delegates to the convention, the great mass of the people purposely refrained from voting, and left the whole proceeding, with all its important consequences, to the active minority, under whose auspices the law had been enacted, and, also, executed, so far as that could be done by the executive officers, without the concurrence of the majority of the people.

It is not my purpose, nor is it necessary, to discuss the policy or propriety of the course pursued by either of the parties to the proceedings in question. The legal and political effect of the undoubted facts stated — whether they do or do not impose upon the whole people an obligation to accept the work of the Convention, and acquiesce in their plan of adopting the Constitution, and sending it up to Congress for the admission of Kansas, as a State, into the Union — this is the only important question which now concerns the people and their representatives. That the refusal of the majority to go into the election for delegates was unfortunate, is now too apparent to be denied. It has produced all the evils and dangers of the present critical hour. It has enabled a body of men, not actually representing the opinions of the people, to prepare for them a form of government, and to withhold the greater part of its most important provisions from the test of popular judgment and sanction. It has created the profound excitement consequent upon the apprehension that Congress may admit the State under this constitution, and that the people of Kansas may be thus forced to submit to the operation of a fundamental law, in the adoption of which they have had no actual participation.

If a convention, organized as this was, can be considered as embodying in itself the sovereignty of the people, the difficulty is undoubtedly insuperable, and the omission of the majority to vote, last June, is past all remedy. But, in my judgment, such a position cannot be successfully maintained. The fundamental principle of our free institutions, and especially of that "republican form of government" which the constitution of the United States guarantees to every member of the confederacy, excludes the possibility of the delegation or transfer of sovereignty, by the people, to any authority whatever. In its very nature, that sovereignty which erects governments, and endows them with their limited powers, can be exercised only by the people themselves. It is incapable of alienation for a single moment, as inseparably inherent in the body of the people as are the personal identity and independent will in each individual. The people cannot divest themselves of it, any more than an individual can divest himself of his moral responsibility. Any other theory would involve the absurdity of possible subjection of the sovereign to its delegated agent. For, if the sovereignty be delegated or transferred, it may be retained, and used to enslave the sovereign people themselves. If the convention could enact a constitution, and put it in force of its own authority, it could readily perpetuate the most tyrannical provisions; for, if the constitution may be thus made permanent until 1868, it may equally be made perpetual and unalterable.

In its essential character, when about to form a State government, the sovereignty of the people of a Territory is identical with that of the people of a State. It must be equally as plenary and independent; otherwise, the new State would not stand upon an equality with the old ones, and the very foundation of the federal constitution is the perfect equality of the members of the confederacy. It is true that a Territory cannot become a State of the Union—perhaps, could not become a State at all without revolution—except by the consent of Congress. But this control on the part of Congress does not imply the power to dictate institutions to the people of the Territory, or in any way to restrain, or limit, or force their sovereignty, in the exercise of its high function of framing a State government. The only rightful discretion which Congress has in the premises arises from its authority to recognize the identity of the people in their new form of a State. That clause of the constitution requiring Congress to guarantee to the States a "republican form of government," imposes the obligation to protect the people in their sovereignty, and to prevent its alienation or delegation, if that were possible, as a departure from the true republican form. Congress, therefore, has no rightful power to accept

a State government, which has not received the sanction of the people who are to live under it. The attempt to exercise such a power would be a plain violation of the constitution. It would be none the less a usurpation because the people of the State might afterwards regain their violated sovereignty.

The instances in which Congress has recognized and received new States, without the actual submission of their constitutions to the vote of the people, are not necessarily in conflict with the principles here announced. Doubtless, if the people of a Territory should quietly acquiesce in the adoption of a constitution framed for them, they might thus give very satisfactory evidence of their approbation. But no instance can be found on record of a constitution accepted by Congress against the will of a majority of the people, expressed in any distinct manner whatever.

It is not intended to assume that the people of the Territory are certainly opposed to the constitution, which is to be submitted, in a certain form, on the 21st inst. It is sufficient for the occasion which now convenes the Legislative Assembly, and for the purpose of this communication, that there is wide spread dissatisfaction threatening to disturb the tranquility of the people. If there be any means of preventing the discord and possible violence, which are so seriously apprehended, as the result of the partial and imperfect election authorized to be held at the time named, under the authority of the constitutional convention, it is the solemn duty of the Legislature to ascertain and adopt the measures most effectual for that end.

What can be done, in the existing emergency, is a question not without difficulty. Some have proposed a repeal of the act of the last Legislature, under which the convention assembled and performed its functions. But, inasmuch as the law in question has been partially executed, it is doubtful whether an act of repeal would have the effect intended. It is certain that, if the constitution were to be really submitted to the people, and the people should ratify it by their vote, a legislative repeal between the dates of the submission and the election, would not affect the validity of the sovereign act of ratification.

The true purpose which, in my judgment, ought to control your legislation on the present occasion, and that which is, perhaps, the only practicable thing, within your power, is to provide for the regular and legitimate exercise of the sovereignty of the people in those points in which the convention has attempted to trammel or restrain it—in other words, to provide for a direct vote upon the adoption of the constitution, which is to be partially submitted on the 21st inst., under the authority of the convention.

I have already expressed the grave doubts I entertain as to the

power of the Legislature in any manner to interfere with the proceedings of the convention. But there can be no question as to your authority to provide, by a suitable law, for a fair expression of the will of the people upon the vital question of approving the constitution. Perhaps a majority of the people may accept that instrument, in one or the other of the forms in which it is presented by the convention. In that case, there could be no ground of complaint, as I doubt not the whole people will cheerfully acquiesce in the will of the majority, fairly ascertained. On the other hand, if the people should decide against the constitution, in both forms, it would not be possible for Congress to admit Kansas into the Union under it. The way would then be fairly open for the passage of a popular law, by virtue of which the people, relieved from all former embarrassments, could freely elect their delegates to a convention, and establish their own institutions in their own way, in accordance with the vital provisions of the organic act.

It is difficult to see what objection could be raised to such a law, passed at the present time, and to be executed cotemporaneously with the vote upon the constitution, as provided by the convention. The convention itself had its existence from the authority of the Legislative Assembly. This constitutes its title to regularity and legitimacy. The same authority may, with equal regularity and legality, provide for a vote of the people upon the actual ratification of the instrument about to be sent to Congress for acceptance. It is not to be supposed that Congress will disregard the voice of the people, legally expressed, whether its decision be for or against the constitution.

In pursuance of these views, I recommend the passage of a law directing an election to be held, either under existing laws, or under other provisions to be expressed in the act, at the same time and at the same places provided for in the proclamation of the president of the late convention, and, also, requiring the result of this election to be duly made known to Congress as the sovereign will of the people of Kansas.

In order to meet the apprehension of fraud or unfairness, so naturally existing in the public mind, as the consequence of recent events of great notoriety, I recommend the adoption of a provision making it felony, with suitable punishment, for any judge or clerk of election knowingly to place on the poll books the names of persons not actually present and voting, or otherwise corruptly to make false returns, either of the election held by order of the convention, or of any other election in this Territory. Existing laws already provide punishment for illegal or fraudulent voting.

FRED. P. STANTON.

On motion of Mr. Denman,

Ten thousand copies of the Governor's message were ordered to be printed for the use of the House, two thousand of which were to be in the German language.

On leave, Mr. Speer presented the memorial of George H. Keller, and seven others, contesting the seats of A. B. Bartlett, and seven others, of the First Representative District, which,

On motion, was

Referred to a select committee of five, consisting of Messrs. Speer, Owens, Stratton, Curtis and Jenkins, with power to send for persons and papers, and administer oaths, and with instructions to report at as early a day as practicable.

Mr. Bartlett offered the following resolution :

Resolved, That the message of the Governor be referred to a committee of five, to report upon the same as soon as possible.

The Chair appointed Messrs. Bartlett, Graham, Columbia, Morrill and Owens, said committee.

The following resolution was offered by Mr. Cooper, and adopted :

Resolved, That a committee of three be appointed to examine the returns on file in the office of the Secretary of the Territory, and report who are entitled to seats in this body, from the Seventeenth Representative District.

Messrs. Cooper, Still and Appelman, were appointed said committee.

On motion of Mr. Morrill,

The House adjourned until to-morrow morning at 10 o'clock.

G. W. DEITZLER,
Speaker of the House of Representatives.

WEDNESDAY, December 9th, }
TEN O'CLOCK A. M. }

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and

Fifteen members answered to their names.

No quorum present.

The Sergeant-at-Arms was ordered to bring in absentees.

Roll again called, and

Twenty-three members answered to their names.

Prayer by the chaplain.

Journal read and approved.

Mr. Jameson, member from the Third Representative District, presented himself, and

On motion of Mr. Stratton,

The oath of office was administered by Judge Joseph L. Speer, and he entered upon the discharge of the duties of his office.

Mr. DeLong introduced the following resolution, which was adopted:

Resolved, That W. W. Ross, Esq., editor of the *Kansas Tribune*, and Norman Allen, Esq., editor of the *Lawrence Republican*, be admitted to seats within the hall of the House, as reporters of their respective papers.

Mr. DeLong moved that Dr. G. A. Cutler be admitted to a seat within the bar of the House, which was

Carried.

Mr. Seymour, chairman of the committee to whom was referred the preparation of rules for the government of the House, submitted the following report :

The committee appointed to propose and present rules for the government of this House, have had the subject under consideration, and have agreed upon the submission of the appended rules and orders for the government of the House, and recommend their adoption.

The rules and orders appended to the report were those of the former Legislative Assembly, and ordered not to be spread upon the journal.

On motion of Mr. Appelman,

The report of the committee was received, and the rules adopted for the government of the House.

Mr. Speer, chairman of the committee to whom was referred the memorial of George H. Keller, and seven others, asked leave to withdraw from the House to take into consideration the subject referred to them.

Leave was granted.

Mr. Bartlett, chairman of the Committee on Governor's Message, reported progress, and asked leave to sit again.

Mr. Cooper, chairman of the committee to whom was referred the contested election in the Seventeenth Representative District, submitted the following report :

LECOMPTON, K. T., Dec. 9, 1857.

The committee, to whom was referred the contested election in the Seventeenth Representative District, beg leave to submit the following report :

That, at an election holden on the fifth day of October, A. D. 1857, in the county of Linn, in said Territory, it appears, upon the returns, that A. Danford received two hundred votes, that R. B. Mitchell received two hundred and fifteen votes, that J. H. Barlow received one hundred and eighty-seven votes, and that I. E. Mooney received one hundred and sixty-nine votes. And your committee would further report, that certificates of election have been issued to the said J. H. Barlow and I. E. Mooney, for the

reason of the informality of the poll list kept at Mound City precinct, which informality consists in the fact that a tally list was kept opposite names voted for, instead of opposite the names of the voters ; and your committee would further report that, from returns on file in the Secretary's office, the said A. Danford and R. B. Mitchell are elected members of this House, and would recommend that they be sworn and admitted to their seats.

S. S. COOPER,
Chairman.

On motion of Mr. Curtis,

The report of the committee was received and adopted.

Mr. Curtis introduced the following :

Resolved, That J. H. Barlow and I. E. Mooney are not entitled to seats in this House, as representatives from the Seventeenth Representative District, and that R. B. Mitchell and A. Danford are entitled to seats in this House of Representatives from said District.

Which was adopted.

Mr. Mitchell came forward, and, being duly qualified, took his seat as a member of the House.

Mr. Appelman introduced the following :

Resolved, That two hundred copies of the rules be printed for the use of the House.

Carried.

Mr. Cooper introduced the following, which was carried :

Resolved, That the doorkeeper be authorized to employ an assistant.

On motion of Mr. Speer,

Rule No. 9 was suspended, in order that the Committee on the contested election in the Leavenworth district might issue orders without the signature of the speaker.

On motion,

The House adjourned until two o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the Chair.

On motion, the roll was called and the following members found absent :

Messrs. Adkins, Bennett, Barry, Curtis, Hazzard, Hanna, Jenkins, Johnson, Miller, J. H. Miller, J. P. Reynard, Sharp, Stewart, Shannon, Whiteside, Wheeler and Danford.

Mr. Lockhart introduced the following resolution, which was carried :

Resolved, That the courtesies of the House be extended to Messrs. S. F. Tappan, of the *Cincinnati Gazette*, R. J. Hinton, of the *Kansas News*, S. W. Driggs of the *National Democrat*, and Judge G. W. Smith, and that they be invited to seats within the bar of the House.

Mr. Mitchell introduced the following :

Resolved, By the House of Representatives, (the Council concurring,) That a joint session of the two Houses be held at 4 o'clock P. M., in the hall of the House, for the purpose of electing a public printer, in which we ask the concurrence of the Council.

On motion of Mr. Speer,

The consideration of the resolution was postponed until tomorrow at two o'clock P. M.

Mr. Still introduced the following, which was carried :

Resolved, That the Sergeant-at-Arms be instructed to procure suitable water vessels for the use of the House.

Message from the Council :

MR. SPEAKER :—I am instructed to inform you that the Council have passed the following Concurrent Resolution, respectfully asking the concurrence of the House of Representatives :

Resolved, That there be a Joint committee of three on the part of the Council, and five on the part of the House of Representatives, (the House concurring) to recommend to the respective branches of the Legislative Assembly, suitable persons for Public Printer and Superintendent of Public Printing.

J. K. GOODIN,
Secretary.

Mr. Seymour moved to concur in the resolution of the Council.

Motion sustained.

Pursuant to the concurrent resolution, the speaker appointed members, as joint committee on the part of the House, Messrs. Seymour, Still, Barber, Delong and Owens.

The Council was notified of the appointment.

The committee to whom was submitted the message of the acting Governor, made the following report through Mr. Bartlett, their chairman:

The committee to whom was referred the Governor's message, having had the same under consideration, beg leave to report:

The occasion imperiously calls for action, and fully justifies the acting Governor in calling this body together. The arbitrary assumption of power, by the Territorial Convention, is unprecedented in history and unparalleled in the memory of man, having its existence by tolerance, and against the known wishes of the people. A decent regard for the opinions of others was expected, and, notwithstanding former precedents, the hope survived that a body of men, owing their existence to the silence rather than the voice of their constituents, would ignore factional issues and partizan schemes, and plant themselves on high constitutional ground. The result shows that we have over estimated their magnanimity, and accorded to them an undue credit. They have drawn a veil of darkness over the face of our body politic, trampled our requests beneath their feet, robbed us of our liberty and torn from us our dearest rights. The remedy is only with the people, where sovereignty lies. That sovereignty clothes this body, and the people are anxiously awaiting a remedy that may avert the cannon's peal and clash of arms, loss of life and flow of blood—restore their rights and secure their possessions. To this end, your committee recommend the passage of an act, submitting the Lecompton Constitution to a full and fair vote of the people, for their ratification or rejection, with or without

slavery, at the earliest practicable day ; all of which is respectfully submitted.

A. B. BARTLETT.

C. GRAHAM.

C. COLUMBIA.

HENRY OWENS.

E. N. MORRILL.

On motion of Mr. Cooper,

The report was received, and

Referred to the committee on Elections.

Mr. Graham introduced the following :

Resolved, That the sergeant-at-arms be instructed to procure stamped envelopes or stamps, to the amount of four dollars, for the use of the members, chief and assistant clerks.

Mr. Mitchell offered the following as a substitute :

Resolved, That the Secretary of the Territory be required to furnish stamped envelopes for the use of members of this House, and that he be and is hereby authorized and required to pay to the Postmaster at Lecompton, all the pamphlet and paper postage that may accrue to the said Postmaster by the sending away papers and pamphlets, through the Post Office at Lecompton, by the members of this House, properly marked by them.

Which was lost.

Mr. Bartlett moved that the resolution of Mr. Graham be so amended as to read "two dollars" instead of "four dollars," and when so amended, it was

Carried.

Mr. Mitchell announced Mr. Barry, member elect from the ninth Representative district.

On motion of Mr. Lockhart,

The sergeant-at-arms was instructed to bring Judge Miller or Judge Speer, to the bar of the House.

Judge Speer having appeared and duly qualified Mr. Barry, he took his seat as a member of the House.

Mr. Bartlett gave notice of his intention to introduce, at an early day, a bill entitled "An act to enable the people of Kansas Territory to ratify or reject the Constitution framed by the Le-compton Convention."

On motion,

The House adjourned until to-morrow at ten o'clock.

G. W. DEITZLER,
Speaker of the House of Representatives.

THURSDAY, December 10th, A. D. 1857, }
TEN O'CLOCK A. M. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called, and twenty-two members answered to their names.

The following members were absent:

Messrs. Adkins, Bennett, Denman, Danford, Hazzard, Hanna, Johnson, Moore, Miller, J. H. Miller, J. P. Mitchell, Reynolds, Sharp, Stewart, Shannon, Whiteside and Wheeler—17.

Journal read and approved.

Mr. Speer, chairman of the special committee to whom was referred the memorial of George H. Keller and 7 others, contesting the seat of A. B. Bartlett and 7 others, from the first Representative district, submitted the following report:

To the Hon. the Speaker of the House of Representatives of Kansas Territory:

The special committee to whom was referred the report of George H. Keller, H. Miles Moore, R. G. Elliott, O. A. Bassett,

Wm. M. McClure, Wm. Pennock, Patrick Orr and J. P. Hatterscheidt, claiming seats in the House of Representatives, from Leavenworth county, respectfully report that they have given to the subject therein contained as full and thorough an investigation as circumstances would permit; that they have given to the contesting parties, as well as to the certified members, ample opportunity to present testimony, and that, in said investigation, they have elicited the following facts: First, that, by the admission of both parties, the returns of Leavenworth county were not received at the office of the secretary of the Territory until about the last of November, and that, consequently, the contestants had no means of complying literally with the requirements of the statutes, (laws of 1855, chap. 66, sections 25 and 28,) which require contesting members to give notice to persons having certificates, so that persons holding seats by virtue thereof were completely estopped from any bar against the rights of the contestants, on account of failure to notify. The committee, however, do not regard a strict adherence to the forms prescribed by the statutes indispensable, since it is a universally acknowledged principle that the Legislative body is the sole judge of the election and qualification of its own members, and has full and exclusive power over the mode and manner of determining thereon. Second. That, in the absence of any official notification or proclamation of the result of the election in the said county, but acting upon generally acknowledged facts, the contestants resorted to the only possible proof within their reach, by taking the affidavits of reputable citizens, (which affidavits are herewith submitted,) conclusively proving that extensive frauds and gross acts of dishonesty were practiced at the polls in the precinct of Kickapoo, in said Leavenworth county, satisfying your committee that more than five hundred fraudulent votes were added to the real vote of said precinct, and given almost exclusively to the certified members of this House from said county. Third. That the poll-books of said precinct of Kickapoo bear the impress of gross fraud and dishonesty. The certificate of the judges is not according to the form prescribed in the statutes, but is inserted on the back of the fifth page, and certifies only that "the foregoing is a correct list," and apparently purposely evading the charge of falsifying the returns, by failing to certify that the nine pages following were correct at all. And, moreover, that portion of the returns following the sixth page is, in the opinion of the committee, more glaringly fraudulent, being evidently "simulated and fictitious." From an investigation of them, it appears: First. That the vote for township officers is almost wholly wanting. Second. That there is almost perfect uniformity in the vote purporting to have been polled, a feature that does

not appear on the preceding pages. It was also in evidence that about two hundred soldiers and teamsters, connected with the troops at Fort Leavenworth, voted the Democratic ticket, or against the memorialists, in violation of the Organic Act, which declares "that no officer, soldier, seaman or marine, or other person in the army or navy of the United States, attached to troops in the service of the United States, shall be allowed to vote or hold office in the Territory, by reason of being on service therein." By the rejection of these votes, as fraudulent, your memorialists would be entitled to seats in this House, as having received a majority of all the legal votes cast in the first district.

Your committee would, therefore, report that Hugh M. More, H. B. Denman, A. B. Hazzard, B. J. Johnson, T. B. Whiteside, A. B. Bartlett, Silas Armstrong and W. B. Sharp are not entitled to membership in this House, and recommend that H. Miles Moore, George H. Keller, Wm. M. McClure, J. P. Hatterscheidt, O. A. Bassett, Wm. Pennock, R. G. Elliott and Patrick R. Orr be admitted to seats in this House, as the legally elected members thereof, from the first district.

All of which is respectfully submitted.

JOHN SPEER, Chairman.
HARRIS STRATTON.
HENRY OWENS.
CHARLES JENKINS.
JOHN CURTIS.

Mr. Appelman introduced the following:

Resolved, That Hugh M. Moore, A. B. Hazzard, A. B. Denman, B. F. Johnson, W. G. Sharp, Silas Armstrong, T. B. Whiteside and A. B. Bartlett, are not entitled to seats in this House of Representatives from the first Representative district.

The resolution was withdrawn.

By leave of the House, Mr. Speer introduced the following:

Resolved, That Messrs. Denman, Bartlett, Armstrong, or either of them, be permitted to enter their protest upon the journal, in the Leavenworth contested case, at any time during the present session, upon terms of courtesy, to which they would be entitled as members.

Carried.

Mr. Appelman renewed the former resolution in reference to the sitting members from the first district.

Resolution was withdrawn, by leave.

Message from the Council :

MR. SPEAKER :—I am instructed to report the following extract from the journal of the Council :

Committee on Public Printing and Superintendent of Public Printing, Messrs. Holliday, Nash and Patrick.

J. K. GOODIN,
Secretary.

Mr. Mitchell announced Addison Danford, member elect from the 17th Representative district.

Mr. Danford appeared, and being duly qualified by Judge Speer, entered upon the discharge of the duties of his office.

Mr. Stratton introduced the following :

Resolved, That O. B. Holman, Esq., be allowed to address the House as attorney for the contestants.

Which was carried.

On motion,

The House adjourned until two o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Jameson announced his colleague, J. B. Wheeler, member elect from the third Representative district.

Mr. Wheeler appeared, and being duly qualified by Judge Speer, entered upon the discharge of his duties.

The resolution of Mr. Mitchell, laid over from yesterday, that the House of Representatives, (the Council concurring therein,) go into joint session for the purpose of electing a public printer, was

On motion of Mr. Stratton,

Postponed until to-morrow at two o'clock P. M.

The question being upon the adoption of the report of the committee on the contested seats of the first Representative district,

Mr. Stratton moved the previous question, which was
Carried.

Mr. Armstrong called for the ayes and noes.

Ayes were Messrs. Appleman, Barber, Barry, Brock, Cooper, Delong, Graham, Jameson, Jenkins, Lockhart, Owens, Seymour, Still, Stratton, Wheeler, Zinn—16.

Noes were Columbia, Morrill and Mitchell—3.

Speaker decided, no quorum present.

Mr. Graham moved to reconsider the vote upon the previous question, which was

Carried.

The sergeant-at-arms was ordered to bring in absentees.

Mr. Stratton withdrew his motion on the previous question, to enable Mr. Speer to make a few explanations as chairman of the committee on the memorial of George H. Keller and seven others, contesting seats in the House from the first Representative district.

Mr. Stratton moved the previous question, on the adoption of the report of the committee.

Mr. Armstrong called for the yeas and nays.

The vote stood,

Yeas—Messrs. Appelman, Barber, Barry, Brock, Cooper, Delong, Graham, Jameson, Jenkins, Lockhart, Owens, Speer, Seymour, Still, Stratton, Wheeler, Zinn—17.

Nays were Messrs. Curtis, Columbia, Danford, Morrill, Mitchell—5.

Mr. Appelman moved the following:

Resolved, That Hugh M. More, A. B. Hazzard, H. B. Denman, D. F. Johnson, W. G. Short, Silas Armstrong, T. B. Whiteside, A. B. Bartlett, are not entitled to seats in this House as members from the first Representative district; but that H. Miles Moore, R. G. Elliott, O. A. Bassett, Wm. A. McClure, Patrick R. Orr, J. P. Hatterschiedt, Wm. Pennock and George H. Keller, having been duly elected, at the election held on the 5th and 6th of October, 1857, are declared entitled to seats in this House, as Representatives from the first district.

Mr. Curtis offered the following resolution:

Resolved, That H. Miles Moore, Wm. Pennock, G. H. Keller, J. P. Hatterschiedt, R. G. Elliott, P. R. Orr and Wm. M. McClure, come forward and take the oath of office.

Judge Speer, being present, administered the oath of office, and they took their seats as members of the House.

Mr. Morrill moved that the sergeant-at-arms be requested to furnish 2000 copies of the Governor's Message, for the immediate use of this House, which was

Carried.

On motion of Mr. Cooper,

Resolved, That the clerk be directed to make out the amounts due Messrs. Silas Armstrong, A. B. Bartlett and H. B. Denman, for mileage and per diem, and that the Speaker draw the orders on the Secretary of the Territory, for the same.

Mr. Seymour, chairman of the committee acting with the Joint committee of the House and Council, on Public Printing, made the following report:

To the Speaker of the House of Representatives:

Your committee, appointed to confer with a similar committee on the part of the Council, to recommend a suitable person for public printer, and, also, of a person as superintendent of public printing, beg leave to submit that they have discharged the duty assigned them, and do recommend the election of W. W.

Ross to the office of public printer, and R. G. Elliott to the office of superintendent of public printing.

Which report,

On motion,

Was received and adopted.

On motion of Mr. Graham,

Resolved, (The Council concurring,) That the Council and House of Representatives, meet in the hall of the House of Representatives, at 11 o'clock A. M., the 11th inst., in joint session, for the purpose of electing a public printer and a superintendent of public printing.

Carried.

On motion of Mr. Jameson,

The courtesies of the House were extended to Gov. W. Y. Roberts, S. W. Johnson, Dr. James Davis, G. S. Hillyer, J. C. Douglas and Prof. W. Oakley, and that they be invited within the bar of the House.

Carried.

On motion of Mr. Owens,

The sergeant-at-arms was directed to procure four new tables and eight chairs, for the use of the members of the House, by to-morrow morning.

Carried.

On motion,

The House adjourned until to-morrow morning at 10 o'clock.

G. W. DEITZLER,
Speaker of the House of Representatives.

FRIDAY, December 11th, 1857.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

The roll was called, and

Twenty-nine members answered to their names.

The following were found absent :

Messrs. Adkins, Basset, Bennett, Hanna, Miller, J. H. Miller, J. P. Reynard, Still, Stewart and Shannon.

Mr. Moore gave notice that he would, at an early day, introduce a bill for the organization of the militia of Kansas Territory.

Mr. Lockhart offered the following :

Resolved, That each member and officer of this House be entitled to copies of the statutes, laws and journals of the past session of the Legislature, and that the Sergeant-at-Arms be requested to procure them of the Secretary of the Territory.

Carried.

Mr. Speer introduced the following :

Resolved, As the unanimous opinion of this House, that the constitution of the State of Kansas, generally known as the "Topeka Constitution," emanated directly from the people, under a necessity which demanded its adoption as a measure for the overthrow of a government thrust upon them against their will ; that said constitution has been twice adopted by the people by a fair and impartial vote ; that it is still the almost unanimous choice of the people, and that, as a measure of justice to a sovereign people struggling against gross usurpation, it is the duty of Congress to admit the Territory of Kansas under said Consti-

tution, as one of the States of the American Union, at the earliest practicable period.

Resolved, That the Clerk of this House be directed to forward copies of the above resolution, and the proceeding thereon, properly attested, to the President of the United States, each member of Congress, and the Governors of the several States.

On motion,

The resolution was laid on the table until 2 o'clock P. M.

Mr. Curtis introduced the following :

Resolved, By the House of Representatives, (the Council concurring,) That a joint committee of five members of the House and three members of the Council, be appointed a committee to draw up a memorial to Congress, setting forth our grievances.

On motion,

Laid on the table until 2 o'clock P. M.

On motion,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Cooper,

The resolution of Mr. Mitchell, laid over from yesterday, was indefinitely postponed.

On motion of Mr. Speer,

The resolution laid over from forenoon, was referred to a joint committee of five from the House and three from the Council.

The chair appointed Messrs. Speer, Orr, Wheeler, DeLong and Mitchell on the part of the House.

The Committee on Militia, through Mr. Owens, their chairman, reported a bill to organize and regulate the Militia of Kansas Territory.

Mr. Stratton moved that the rules be suspended, and the bill read a second time.

The ayes and noes being demanded,

Messrs. Appelman, Barber, Barry, Brock, Columbia, Cooper, DeLong, Danford, Elliott, Graham, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Speer, Seymour, Still, Stratton, Wheeler, Zinn—28 voted in the affirmative.

The rules were suspended.

On motion of Mr. McClure,

The bill was engrossed, and

Read a third time, and put on its passage.

Motion was withdrawn.

Message from the Council:

MR. SPEAKER:—I am instructed to inform you that the Council have passed the following resolution, asking the concurrence of the House therein:

Resolved, That the Council dissent from the resolution of the House as to time, and express their willingness to go into a joint session immediately, for the election of public printer and superintendent of public printing.

J. K. GOODIN,
Secretary.

On motion of Mr. McClure,

The House concurred in the resolution, and the Council was notified, and invited to the hall of the House of Representatives.

Pending the coming of the Council,

Mr. McClure moved that the courtesies of the House be ex-

tended to Judge Joseph Williams, of the Fort Scott district, and he be invited to a seat within the bar of the House.

Carried.

In accordance with the concurrent resolution of the Council and House, the Council were introduced into the hall of the House by the Sergeant-at-Arms.

The President of the Council took the chair, and the following proceedings were had :

On motion Mr. Holliday, of the Council :

Resolved, That the convention proceed to the election of public printer and superintendent of public printing, and that the vote be taken *viva voce*, and that a majority of all the votes shall be necessary to a choice.

On motion of Mr. Curtis, of the House,

The convention proceeded to the nomination of candidates for public printer.

Whereupon, Mr. Allen, of the Council nominated W. W. Ross, of the *Kansas Tribune*.

Mr. Halderman, of the Council, nominated A. B. Hazzard, of the *Kickapoo Pioneer*.

Mr. Davis, of the Council, nominated Ephraim Abbott, of the *Wyandott Citizen*.

On motion,

The nominations closed, and the convention proceeded to the election of public printer.

On the call of the roll of the members,

Messrs. Allen, Harding, Learnard, Patrick, Standiford, Mead, Nash, Holliday and the President, of the Council;

Messrs. Appelman, Barber, Barry, Brock, Curtis, Columbia, Cooper, Delong, Danford, Elliott, Graham, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitch-

ell, Owens, Orr, Pennock, Speer, Seymour, Still, Stratton, Wheeler, Zinn and Mr. Speaker.

Making 39 members voting for Mr. Ross.

Mr. Halderman voted for Mr. Hazzard, and

Mr. Davis voted for Mr. Abbott.

Mr. Ross received 39 votes, Mr. Hazzard 1; Mr. Abbott 1; making 41 votes.

Mr. Ross, having received a majority of all the votes, was declared; by the President, duly elected public printer to the Legislative Assembly.

On motion of Mr. McClure, the convention proceeded to the nomination of candidates for the superintendent of public printing.

Mr. Holliday, of the Council, nominated Mr. Elliott, of the *Kansas Free State*.

Mr. Halderman, of the Council, nominated G. W. Perkins, of the *Leavenworth Journal*.

Mr. Moore, of the House, nominated A. M. Sevier, of the *Champion of Liberty*.

On motion,

The nominations closed, and the convention proceeded to the election of superintendent of public printing.

On the call of the roll of the members,

Messrs. Allen, Harding, Learnard, Patrick, Standiford, Mead, Nash, Holliday and President, of the Council;

Messrs. Appelman, Barber, Barry, Brock, Curtis, Cooper, Delong, Danford, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morril, McClure, Owens, Orr, Pennock, Speer, Seymour, Still, Stratton, Wheeler, Zinn and Mr. Speaker.

Making 34 votes for Mr. Elliott, and

Messrs. Moore, Columbia, Elliott and Mitchell,
Making 4 for Mr. Sevier.

Mr. Elliott received 34 votes.

Mr. Sevier 4.

Whole number 38.

Mr. Elliott having received a majority of all the votes cast, was declared, by the President, duly elected superintendent of public printing.

On motion,

The convention adjourned *sine die*.

Message from the Acting Governor :

LECOMPTON, Dec. 11, 1857.

SIR:—I have this morning received the accompanying letter of resignation from J. H. Miller. Esq., a member of the House of Representatives, from Atchison county, by existing law (see statutes page 476.) The letter should have been addressed to you, but I presume the essential provision of the law may be fulfilled by causing the necessary entry to be made on your journal, upon notice of which I will issue a writ of election to the sheriff of Atchison county, as required by law.

I have the honor to be, very respectfully, your obedient servant.

FRED. P. STANTON,

HON. G. W. DEITZLER,

Speaker of House of Representatives.

MT. PLEASANT, K. T., }
December 7th, 1857. }

HON. FRED. P. STANTON, Sir:—I received your proclamation late yesterday evening, summoning the members of the Legislature to assemble at Leocompton, on to-day. Circumstances are such that it will be impossible for me to obey the summons, and I thought it my duty to inform you of the fact, and furthermore to send you my resignation as a member of the ensuing Territorial Legislature of K. T. You may therefore consider my seat vacant, however contrary this may be to my feelings and the wishes of my friends, to whom I shall ever feel grateful for the trust reposed in me. The situation of my family will not admit of my attending the Legislature this winter, therefore I feel it my duty to resign.

Your obedient servant,

J. H. MILLER.

Mr. McClure renewed his motion on the final passage of the bill organizing and regulating the militia of Kansas Territory.

On motion,

The bill passed, and

The Council notified of its passage.

Mr. Danford moved that so much of the Governor's message as relates to submitting the Lecompton Constitution to a full and fair vote of the people, be referred to the committee on Elections, with instructions to report a bill for that purpose, at an early day.

Carried.

On motion of Mr. Stratton,

The courtesies of the House were extended to Gen. J. H. Lane, Charles Robinson, Judge Conway and Col. W. A. Phillips, correspondent of the New York *Tribune*, and that they be invited to seats within the bar of the House.

On motion,

Adjourned until 10 o'clock to-morrow.

G. W. DEITZLER,
Speaker of the House of Representatives.

SATURDAY, Dec. 12th, 1857.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called, and twenty-six members answered to their names.

Absentees were Messrs. Adkins, Bennett, Bassett, Curtis, Elliott, Hanna, Hatterscheidt, Miller, Reynard, Stewart, Stratton and Wheeler.

Journal was read and approved.

Mr. Speer, from the standing committee on Elections, reported a bill entitled "An act for submitting the Lecompton Constitution to the people.

Mr. Moore moved to suspend the rules, and read the bill a second time.

Motion was withdrawn.

On motion of Mr. McClure,

The bill was laid upon the table and

Ordered to be printed.

Mr. Moore introduced a bill to repeal an act entitled "An act to provide for the taking a census and election of delegates to a convention.

On motion of Mr. Pennock,

The bill was referred to the standing committee on Elections.

Mr. Mitchell introduced the following:

Resolved, That so much of the journal as relates to standing committees be expunged.

Adopted.

Mr. Graham introduced the following:

Resolved, That a committee on phraseology be added to the standing committees.

Adopted.

Mr. Moore gave notice that he would, at an early day, introduce joint resolutions, to Congress, protesting against receiving the Lecompton Constitution.

Mr. Mitchell gave notice that he would, on a subsequent day, introduce a bill to give probate courts concurrent jurisdiction.

Mr. Curtis gave notice that he would introduce a bill, making a circuit court out of the U. S. district court, to comprise the county of Arrapahoe.

Mr. Moore gave notice that, at an early day, he would introduce a bill, forming another judicial district for the U. S. district court in this Territory, lying north of the present county of Arrapahoe, and west of the Territory of Nebraska, to be numbered District No. 2.

Mr. Moore introduced the following:

Resolved, That T. B. Whiteside, late member of this House, be allowed per diem and mileage for his attendance in this House.

Carried.

On motion of Mr. Curtis,

Resolved, That no new business be introduced after this day of the present session.

Lost.

Mr. Mitchell offered the following:

Resolved, That the secretary be requested to furnish to each member of this House, for their use, five numbers of such newspapers as may be selected by them, published within the Territory of Kansas.

Mr. Morrill moved to amend, by striking out the words "published within the Territory of Kansas."

Amendment lost.

Mr. Cooper moved to amend, by inserting, after the words "each member," the words "and officer."

Carried.

The resolution, as amended, was carried.

A motion was made by Mr. Graham, to adjourn until two o'clock P. M.

Motion was lost.

Mr. Chase moved that, when this House adjourns, it adjourn until Monday next, at 10 o'clock A. M.

Mr. Moore moved to amend, by striking out the word "Monday," and insert "Tuesday."

Amendment lost.

The question being upon the motion, it was

Lost.

On motion,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Message from the Council :

MR. SPEAKER :—I have the honor to inform the House that the Council has passed House Bill No. 1, with sundry amendments.

J. K. GOODIN,
Secretary.

The amendments were as follows :

Section 2d, line fifth, insert, after the word "general," the words "one quarter-master general and one commissary general."

Section 6th, line fourth, insert, after the word "adjutant," the words "quarter-master, commissary."

Section 6th, line sixteenth, at the close of the section, after the word "Assembly," insert the following: "The said military board shall hold its first session within thirty days after the passage of this act, at such place as may be agreed upon by the members thereof."

Section 9th, line fifth, insert, after the word "to," the word "the."

Section 10th, line fourteenth, insert, after the word "shall," the word "be."

Section 12th, line twenty-seventh, insert, after the word "of," the word "a."

Section 14th, line fifth, after the word "hereby," strike out the words "declared null and void, expunged and."

Mr. Stratton moved that the bill be taken up by sections, and considered.

Carried.

Mr. Appelman moved that the first amendment be concurred in.

Carried.

Mr. Stratton moved that the second amendment be concurred in.

Carried.

Mr. Moore moved that the third amendment be concurred in.

Carried.

Mr. Moore moved that the fourth amendment be concurred in.

Carried.

Mr. Danford moved that the fifth amendment be concurred in.

Carried.

Mr. Lockhart moved that the sixth amendment be concurred in.

Carried.

Mr. Barber moved that the seventh amendment be concurred in.

Carried.

Mr. Stratton moved that all the Council amendments be concurred in.

The ayes and noes were called for by Mr. Stratton.

The vote was as follows :

Ayes—Messrs. Appelman, Barber, Barry, Brock, Curtis, Columbia, Cooper, Delong, Danford, Elliott, Graham, Jameson, Jenkins, Keeler, Lockhart, Morrill, Moore, McClure, Mitchell, Orr, Pennock, Speer, Seymour, Stratton, Wheeler, Zinn—26.

Absent or not voting—Messrs. Bennett, Bassett, Hanna, Hatterscheidt, Miller, Owens, Reynard, Still, Stewart, Shannon—10.

Mr. Elliott gave notice of his intention to offer a bill for the prevention and punishment of election frauds.

The Speaker announced the protest of A. B. Bartlett, Silas W. Armstrong, S. B. Whiteside and H. B. Denman, the ejected members of the First Representative District.

Mr. Cooper moved that it be received and read.

Carried.

Mr. Elliot introduced the following :

Resolved, That the protest be referred to special committee on contested elections, with instructions to report upon the same, and that the protest and report be spread upon the journal.

Resolution was withdrawn.

Mr. Speer moved that the courtesies of the House be extended to the ejected members, that they may defend their protest.

Carried.

Mr. Elliott again offered his resolution upon the protest of the ejected members, which was

Carried.

On motion of Mr. Moore,

Resolved, That the courtesies of the House be extended to Col. William Spencer and Dr. J. B. Irwin, and that they be invited to seats within the bar.

Carried.

On motion,

Adjourned until Monday at 10 o'clock A. M.

G. W. DEITZLER,
Speaker of the House of Representatives.

MONDAY, December 14th, 1857.

House met pursuant to adjournment.

Chief Clerk in the Chair.

Roll called, and

There being no quorum present,

The House took a recess of one half hour.

House reassembled at the expiration of the half hour.

Speaker in the Chair.

The Chaplain being absent, Mr. Graham offered prayer.

The roll was called, and twenty-three members answered to their names.

The following members were found absent:

Messrs. Adkins, Bennett, Danford, Hanna, Hatterscheidt, Jenkins, Miller, Owens, Reynard, Speer, Stewart, Shannon, Stratton, Wheeler—14.

The Journal was read and approved.

Mr. Moore announced O. A. Bassett, member elect from the First Representative District.

The speaker announced the following standing committees:

Elections—Messrs. Speer, Jameson, Bassett, Mitchell and Jenkins.

Militia—Messrs. Owens, Appelman, Hatterscheidt, Hanna, Barry.

Ways and Means—Messrs. Barber, Stratton, Lockhart, Cooper, Elliott.

Legislative Expenditures—Messrs. Bassett, Seymour, Delong, Curtis and Still.

Public Printing—Messrs. Seymour, Speer, Pennock, Danford, and Stewart.

Apportionment—Messrs. Danford, Graham, Bassett, Appelman, Jenkins.

Corporations and Banking—Messrs. Mitchell, McClure, Seymour, Barry, Speer.

Judiciary—Messrs. Moore, Curtis, Barry, Mitchell, Owens.

Claims—Messrs. Keller, Zinn, Shannon, Wheeler, Paynard.

Education—Messrs. McClure, Speer, Hanna, Delong and Moore.

Vice and Immorality—Messrs. Zinn, Pennock, Morrill, Adkins, Stewart.

Accounts—Messrs. Elliott, Reynard, Orr, Brock and Columbia.

Counties and County Lines—Messrs. Stratton, McClure, Cooper, Speer and Shannon.

Public Roads—Messrs. Jameson, Keller, Barber, Owens and Bennett.

Internal Improvements—Messrs. Wheeler, Morrill, Columbia and Appelman.

Agriculture and Manufactures—Messrs. Delong, Hanna, Jenkins, Pennock, Reynard.

Public Institutions—Messrs. Cooper, Shannon, Columbia, Zinn, Orr.

Engrossed Bills—Messrs. Lockhart, Hatterscheidt, Bennett, Brock, Stewart.

Enrolled Bills—Messrs. Curtis, Orr, Graham, Still, Miller.

Phraseology—Messrs. Graham, Adkins, Elliott, Morrill, Danford.

The first named member on the several committees, acting as chairman.

Mr. Moore introduced preamble and joint resolutions in relation to the Lecompton Constitution of Kansas Territory, passed at Lecompton, November 7th, 1857.

Mr. Cooper moved that the rules be suspended, and the preamble and resolutions be read a second time.

Carried.

On motion of Mr. Speer,

The preamble and resolutions were printed.

Mr. Bassett, member elect from the First Representative District, appeared, and, being duly qualified by Judge Speer, entered upon the discharge of his duties.

Mr. Graham moved to lay the motion of Mr. Speer, to print the preamble and resolutions, on the table.

Carried.

Mr. Cooper moved that the preamble and resolutions be considered engrossed, and read the third time.

Carried.

Resolutions were read.

Mr. Speer moved to lay them upon the table until 3 o'clock P. M.

Lost.

On motion of Mr. Moore,

The resolutions passed and the Council notified.

On motion of Mr. McClure,

Resolved, That the Secretary of this Territory be instructed to furnish this House with a synopsis of the legal, fraudulent and informal returns of the election held on the 5th and 6th of October, 1857.

On motion of Mr. Morrill, it was

Adopted.

Mr. Curtis, Chairman of the Committee on Enrolled Bills, submitted the following report:

Your Committee on Enrolled Bills have had House-Bill No. 1, "to organize and regulate the militia," &c., under consideration, and report the same as truly enrolled.

JOHN CURTIS,
Chairman.

Mr. McClure gave notice that he would, at an early day, introduce a bill providing for a Constitutional Convention.

On motion, adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

A bill to provide for an election on the submission of the Lecompton Constitution to a vote of the people, was taken up.

On motion of Mr. Graham,

The House went into Committee of the Whole on the state of the Territory.

The committee arose, and through Mr. Moore, the chairman, reported House Bill No. 2 with sundry amendments.

Mr. Mitchell moved to amend by inserting section 8th: "The passage of this Act shall be taken and deemed sufficient notice for holding said election."

Carried.

Mr. Speer moved to insert:

"Section 1. That the pretended, evasive, partial and unjust provisions in the schedule of the constitution adopted at Lecompton, on the 7th of November, A. D. 1857, for the submission thereof, on the 21st day of December, 1857, is hereby declared to be illegal and fraudulent; and any attempt on the part of any commissioner, judge, clerk or other person, to hold said fraudulent election, or receive returns, is declared a misdemeanor, punishable by a fine of not less than \$25 nor more than \$100, or by an imprisonment in the penitentiary of this Territory for a term not less than three months nor more than one year, or both fine and imprisonment, at the discretion of the court; the proceeds of said fines to be applied to the use of common schools in the respective counties where collected."

Mr. Elliott moved to substitute the following to Mr. Speer's

amendment, which was laid on the table, by motion of Mr. McClure:

“That the pretended, evasive, partial and unjust provision in the schedule of the constitution adopted at Lecompton, Nov. 7th, 1857, for the submission of said constitution, on the 21st day of December, 1857, is hereby declared to be fraudulent, inoperative and void, and the election provided for in said schedule is hereby declared to have no sanction by authority of law.”

On motion of Mr. Elliott,

Mr. Speer's amendment was laid on the table.

Mr. Mitchell moved the following amendment, which was carried:

“Sec. —. That any person not legally authorized by the provisions of this act, who shall cast his vote at any election to be hereafter held in this Territory, shall be deemed guilty of crime, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, or shall suffer imprisonment in the penitentiary a term of not more than one year, or both, at the discretion of the court.”

Mr. Moore moved to concur in all the amendments.

Carried.

Mr. Moore moved to suspend the rules, and pass the bill to a third reading.

Mr. Mitchell moved the following amendment: to insert—

“Sec. 10. That all officers provided for by the provisions of this act shall receive such compensation as may be hereafter provided by law.”

Carried.

Mr. Speer moved to amend section 5, by inserting, after the word “provided,” “that if any probate judge shall refuse to issue writs, or in any manner to proceed under this act, then the prosecution may be had before the probate court of any adjoining county.”

The bill was now on its final passage.

Mr. McClure demanded the ayes and noes.

The ayes were Messrs. Appelman, Barber, Barry, Brock, Bassett, Columbia, Cooper, Delong, Danford, Graham, Jameson, Jenkins, Keeler, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Speer, Seymour, Still, Stratton, Wheeler and Zinn.

Noes—none.

The bill passed, and

The title was adopted.

Message from the Council, by Mr. J. K. Goodin, secretary.

I am ordered by the Council to inform the House of Representatives that the following resolutions:

Resolved, By the Council and House of Representatives, (the House concurring,) That the Legislative Assembly adjourn *sine die*

House preamble and joint resolutions in relation to the constitution framed at Lecompton, K. T., Nov 7th, A. D. 1857, with one amendment, and ask the concurrence of the House: In 37th line, strike out the word "to," and insert the word "for."

On motion,

Adjourned until 7 o'clock P M.

EVENING SESSION.

Mr. Elliott announced the presence of Mr. Asa Reynard, of the 8th Representative district, who was qualified by S. S. Prouty, clerk of the probate court of Douglas county, and took his seat, as a member of the House.

Mr. Orr moved that the House concur in the amendment of the Council, to the preamble and joint resolutions in relation to the Constitution, adopted at Lecompton, K. T., Nov. 7, 1857.

Carried.

Mr. Speer moved to concur in resolution of Council appointing to-morrow to adjourn *sine die*.

Lost.

On motion of Mr. McClure,

The Council resolution was postponed until three o'clock to-morrow.

Mr Elliott introduced Bill No. 3, entitled "An act for the prevention and punishment of election frauds."

Mr. Speer moved to suspend the rules, and the House go into Committee of the Whole on the state of the Territory.

Mr. Stratton in the chair.

The Committee arose, and, through the chairman, reported back the bill without amendment.

Mr. Stratton moved to suspend the rules, consider the bill engrossed, and pass it to the third reading.

Carried.

Mr. Stratton called for the ayes and noes, on the passage of the bill.

Ayes—Messrs. Appelman, Barber, Barry, Brock, Bassett, Curtis, Columbia, Cooper, Delong, Danford, Elliott, Graham, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stratton, Wheeler, Zinn—30.

Absent, or not voting—Messrs. Adkins, Bennett, Hanna, Hatterschiedt, Miller, Stewart, Shannon—7.

The bill passed, and

On motion,

The title was adopted.

Mr. Speer, chairman of the standing committee on Elections,

reported back the bill to repeal "An act to provide for taking a census, and election for delegates to a convention," without amendment.

Mr. Pennock moved to refer the report to the standing committee on Judiciary.

Mr. Stratton moved, that, on the final passage of all bills, the ayes and noes shall be taken.

Mr. Moore, from the standing committee on Judiciary, reported back the bill entitled "An act to provide for taking a census, and election for delegates to a convention."

On motion of Mr. Elliott,

The rules were suspended, and

The House resolved itself into Committee of the Whole on the state of the Territory.

Mr. Stratton in the chair.

The Committee arose, and, through their chairman, reported back the bill, without amendment.

Mr. Elliott moved to suspend the rules, consider the bill engrossed, and passed to a third reading.

Carried.

Agreeably to resolution, the ayes and noes were called.

Ayes—Messrs. Appelman, Barber, Barry, Brock, Bassett, Curtis, Columbia, Cooper, Delong, Danford, Elliott, Graham, Hatterschiedt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Owens, Orr, Pennock, Speer, Seymour, Still, Stratton, Wheeler, Zinn—29.

Noes—Mr. Mitchell—1.

The bill passed, and

On motion,

The title was adopted.

Mr. Elliott moved that the public printer be ordered to print, in pamphlet form, 5000 copies of the act entitled, as follows: "An act for the punishment and prevention of election frauds;" and "An act to repeal an act entitled 'An act to provide for taking a census, and the election of delegates for a convention,'" as soon as the same have become laws.

Mr. Stratton moved that "5000" be stricken out, and "10,000" be inserted.

Lost.

Mr. Moore moved that an additional number of 2000 copies of the foregoing laws be printed in the German language.

Carried.

Mr. Elliott moved that the Secretary of the Territory be requested to procure fifty copies of Jefferson's Manual, for the use of the House.

Carried.

Mr. Danford moved that a joint committee of three on the part of the House, and two on the part of the Council, be appointed, (the Council concurring therein,) to prepare rules and parliamentary practice, for the government of the Legislature at its regular session.

Carried.

Mr. Moore moved that Jefferson's Manuel be adopted for the government of the House.

Carried.

Mr. Elliott moved to rescind his resolution for procuring Jefferson's Manual.

Lost.

Mr. Bassett moved that the Secretary of the Territory be instructed to furnish fifty copies of Jefferson's Manual, for the use of the members of the House, and the amount of the cost of the same be deducted from the per diem of the members.

Withdrawn.

Mr. Stratton moved to reconsider Mr. Moore's resolution.

Carried.

Mr Elliott moved to substitute, "that Jefferson's Manual be adopted for the government of the House, upon all points not provided for already, in the rules adopted."

Carried.

Mr. Danford renewed his resolution providing for a joint committee on the part of the House and Council.

Carried.

The Speaker announced the following as committee on the part of the House—Messrs. Danford, Elliott and Speer.

The House took a recess for half an hour.

The House, at the expiration of the half hour, resumed its labors.

The committee on Enrolled Bills made the following report:

MR. SPEAKER:—Your committee on Enrolled Bills have examined preamble and joint resolutions, in relation to the constitution adopted at Lecompton, K. T., on the 7th Nov., 1857, and report the same correctly and duly enrolled.

JOHN CURTIS,
Chairman.

On motion,

Adjourned until to-morrow nine o'clock A. M.

G. W. DEITZLER,
Speaker of the House of Representatives.

TUESDAY, December 15th, 1857.

House met pursuant to adjournment.

Speaker in the chair.

Chaplain not being present, Rev. Mr. Seymour addressed the Throne of Grace.

Roll called, and twenty-five members answered to their names.

The following members were absent:

Messrs. Adkins, Bennett, Columbia, Delong, Graham, Hanna, Jenkins, Keller, Moore, Miller, Reynard, Stewart, Shannon.

Journal read, corrected and approved.

The standing committee on Engrossed Bills, through their chairman, submitted the following report:

That they had examined House Bill No. 2, and that the same was truly engrossed.

JOHN LOCKHART,
Chairman.

Recess by the House for one hour.

The hour having expired, the House reassembled.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform you that the Council have passed the following concurrent preamble and resolutions, respectfully asking the concurrence of the House therein.

J. K. GOODIN,
Secretary.

Concurrent resolutions reaffirming the people's constitution, framed at Topeka on the 23d day of October, 1855; passed Council December 14th, 1857.

CONCURRENT RESOLUTIONS REAFFIRMING THE PEOPLE'S CONSTITUTION, FRAMED AT TOPEKA ON THE 23D DAY OF OCTOBER, A. D. 1855.

WHEREAS, In the spring of 1855, the first Legislative Assembly of Kansas Territory was, by force and violence seized upon by people foreign to our soil and a code of laws enacted, highly unjust and oppressive, and calculated to drive off or enslave the actual settlers of said Territory, and to fix upon them an institution revolting to a large majority of the bona fide citizens of the Territory; and

WHEREAS, To avoid civil war, and as the only peaceful alternative, asserting, as they did, that the principle formally enunciated in an act organizing the Territories of Nebraska and Kansas would fully authorize and sustain them in their movement, the people of said Territory did proceed to call a convention to frame a State constitution. The delegates thereto were regularly elected, and on the 23d of October, 1855, did assemble in convention at Topeka, in said Territory, and did frame a constitution, and provided for its submission to a full and fair vote of the people, for their ratification or rejection, to wit: on the 15th of December, 1855; and

WHEREAS, At the time aforesaid, the people of said Territory were engaged in a war, resisting an armed invasion from abroad, and were disabled, thereby, from giving expression upon said instrument; and

WHEREAS, Afterwards, to wit: on the third day of August, 1857, said constitution was again submitted to a full and fair vote of the people, for their ratification or rejection, and by them ratified by a majority of about eight thousand; therefore,

Resolved by the Council and House of Representatives of the Territory of Kansas (the House of Representatives concurring:)

First, That the constitution framed at Topeka, in said Territory, on the twenty-third day of October, A. D. 1855, embodies the wishes of the people of this Territory upon the subject of a State Government, and ought to be received by the Congress of the United States as the constitution of the State of Kansas.

Second, That we hereby memorialize the Congress of the United States to admit the State of Kansas into the Union under the said constitution framed at Topeka, in said Territory, on the twenty-third day of October, A. D. 1855, as aforesaid, as one of the sovereign States, upon an equal footing with the other States.

Third, That the President of the Council and Speaker of the House of Representatives be respectfully requested to transmit a copy of these resolutions, with a certified copy of the said con-

stitution, framed at Topeka, on the twenty-third day of October, A. D. 1855, to the President of the United States and the presiding officers of each House of Congress.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole, (Mr. Moore in the chair,) on the state of the Territory.

The committee arose, and, through the chairman, reported back the preamble and resolutions, and recommended their adoption.

Mr. Mitchell moved to postpone the further consideration of the preamble and resolutions, until to-morrow morning at 10 o'clock.

Mr. Elliott moved to lay Mr. Mitchell's motion on the table.

Carried.

Question being upon the final adoption.

The ayes and noes being called, they were as follows :

Ayes—Messrs. Appelman, Barber, Barry, Brock, Bassett, Delong, Danford, Elliott, Graham, Hatterscheidt, Jameson, Keller, Lockhart, Moore, McClure, Owens, Pennock, Reynard, Speer, Seymour, Still, Stanton, Wheeler—23.

Noes—Messrs. Curtis, Columbia, Cooper, Jenkins, Morrill, Mitchell, Orr, Zinn—8.

On motion of Mr. Stratton,

The title was adopted.

Motion to adjourn until 2 o'clock was lost.

Mr. Lockhart, chairman of standing committee on Engrossed Bill, reported House Bill No. 3 as truly engrossed.

Message from the Council :

MR. SPEAKER :—I am instructed to inform the House that the Council returns concurrent resolutions of the House upon rules and parliamentary practice, for the government of the Legislative Assembly at its regular session, having referred the same to the

Council committee on rules, consisting of Messrs. Standiford, Allen and Patrick, dissenting as to number of members placed upon said committee on rules.

J. K. GOODIN,
Secretary.

Mr. McClure offered a bill to provide for a Constitutional Convention, and moved that the rules be suspended and the bill read a second time.

Carried.

Mr. McClure moved that the bill be referred to a select committee to be printed.

Carried.

Chair appointed Messrs. McClure, Stratton and Delong, said committee.

Adjourned until 2 o'clock.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Danford moved that the vote adopting the preamble and resolutions, reaffirming the People's Constitution, be reconsidered.

The ayes and noes were called for by Mr. Danford.

Ayes—Messrs. Barry, Curtis, Columbia, Cooper, Danford, Graham, Jenkins, Morrill, Mitchell, Zinn—10.

Noes—Messrs. Appelman, Barber, Brock, Bassett, Elliott, Hatterscheidt, Jameson, Keller, Lockhart, Moore, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Wheeler—18.

Twenty-eight votes cast—10 ayes and 18 noes.

Motion to reconsider was lost.

Mr. Speer moved that the concurrent resolutions from the Council, in relation to fixing a time for the adjournment of the Legislative Assembly, which were made the special order for 3 o'clock, be postponed until to-morrow morning at 10 o'clock.

Mr. Stratton called for the ayes and noes.

Ayes were Messrs. Barber, Barry, Bassett, Cooper, Jameson, Keller, Lockhart, Owens, Pennock, Speer—10.

Noes were Messrs. Appelman, Brock, Curtis, Columbia, Danford, Graham, Hatterscheidt, Jenkins, Morrill, Moore, Mitchell, Orr, Reynard, Seymour, Still, Wheeler, Zinn—17.

Motion was lost.

Mr. Speer moved to lay concurrent resolutions on the table until 7 o'clock.

Carried.

Mr. McClure, chairman of special committee to whom was referred House Bill No. 4, submitted the following report :

That they have had the same under consideration, and report it back with the apportionment blanks filled, and sections 6th, 7th, 8th and 13th stricken out, and recommend its passage.

Mr. McClure moved that the rules be suspended, the bill considered engrossed, and pass to its third reading.

Carried.

Mr. McClure moved that the House resolve itself into Committee of the Whole on the state of the Territory.

Carried.

The Committee arose, and, through its chairman, reported a preamble and resolution, as a substitute, and recommended its passage.

Mr. Speer moved the adoption of the report.

Carried.

Mr. Speer introduced a bill providing for the election of State officers under the Lecompton Constitution.

Mr. Lockhart moved that the rules be suspended, and the bill read a second time.

Carried.

Mr. Mitchell moved to refer the bill to the standing committee on apportionments.

Carried.

Adjourned to 7 o'clock P. M.

EVENING SESSION.

House met pursuant to adjournment.

The concurrent resolutions from the Council, fixing time to adjourn, being in order,

Mr. Morrill moved to postpone until 9 o'clock to-morrow morning.

Carried.

Mr. Curtis, chairman of the standing committee on Enrolled Bills, reported that they have examined the resolutions reaffirming the People's Constitution, and report the same has been correctly enrolled.

Message from the Council by J. K. Goodin, Secretary:

MR. SPEAKER :—I have the honor to inform the House of Representatives of the passage, by the Council, of Bill No. 1, asking your concurrence, "An act entitled 'An act to provide for the publication of the so-called Lecompton Constitution.' "

Also, to return House Bill No. 3, without amendment, "An act for the prevention and punishment of Election Frauds."

Also, House Bill No. 4, without amendment, "An act repealing an act entitled 'An act to provide for taking a census, of election for Delegates to a Convention.' "

Mr. Bassett introduced Bill No. 5, entitled "An act to provide in part for the pay of the extra session."

Mr. Stratton moved to suspend the rules, consider the bill engrossed.

And the House went into Committee of the Whole on the state of the Territory.

Mr. Moore in the chair.

The committee arose, and, through the chairman, reported back House Bill No. 5, without amendment.

Mr. Stratton moved to suspend the rules and pass the bill to the third reading.

Agreeably to the rules, the ayes and noes were taken, with the following result:

Ayes—Messrs. Appelman, Barber, Barry, Brock, Bassett, Columbia, Cooper, Delong, Graham, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Owens, Orr, Reynard, Speer, Seymour, Stratton, Wheeler, Zinn—25.

Noes—Mr. Elliott.

The bill passed, and

The title adopted.

Message from the Acting Governor, Frederick P. Stanton, by his private secretary, Mr. Walsh:

The Acting Governor returns House-Bill No. 1, entitled "An act to organize and regulate the Militia of the Territory," with his objections.

Which were read.

To the House of Representatives of the Territory of Kansas:

GENTLEMEN:—Herewith I return the bill entitled "An act to organize and regulate the Militia of the Territory of Kansas," which was presented yesterday for my approval, but from which I am compelled to withhold my sanction. No necessity, seems to me, to demand a reorganization of the militia at the present time, and such a measure is not, in my judgment, legitimately connected with the general purpose for which the Legislative

Assembly is now convened. Moreover, I am deeply impressed with the importance of avoiding everything which, at this critical juncture of affairs, might serve to irritate the minds of the people and arouse apprehension, such as might naturally be engendered by any military movement whatever. Looking to the provisions of the bill itself, I dissent from that part of it which provides for the election of the general officers by the two Houses of the Legislative Assembly. If any change should be made from the present mode of appointment, I am of opinion that the officers in question should be elected by the people, or by those who are liable to be called into service under the law. But the most fatal objection to the proposed law, and that which is entirely conclusive to my mind, is to be found in the seventh section, which authorizes a majority of the military board to call out the militia in any emergency. By the Organic Act, the Governor of the Territory is made commander-in-chief of the militia, and is charged with the duty of seeing the laws faithfully executed. The proposed law would virtually depose him from this position, and would place him in the power of a board composed of the general officers of the militia, including himself, it is true; but in which, he might, at any time, be overruled by the majority. In my judgment, such a law would be in direct conflict with the Organic Act, and would, therefore, be null and void. If, however, it might be considered legally valid, it would be hostile to the acknowledged principles of civil liberty, which require the subordination of the military to the civil power. To confer upon a majority of the general officers of the militia, the power to judge of the occasion when the military force of the Territory should be called into action, would be to establish a military despotism of the most dangerous and pernicious character. With these objections, I return the bill in question, to the House in which it originated.

[Signed]

FRED. P. STANTON.

LECOMPTON, Dec. 15, 1857.

Mr. Moore moved to reconsider the bill, in accordance with the provisions of the Organic Act, on the Governor's message.

Mr. McClure moved the further consideration of the bill be postponed until to-morrow at 11 o'clock.

Lost.

Mr. Curtis moved to postpone until 10 o'clock to-morrow.

Mr. Bassett moved to lay Mr. Curtis' motion on the table.

Carried.

Mr. Mitchell moved to postpone until to-morrow at 9 o'clock.

Mr. Stratton called for the ayes and noes.

Withdrawn by compromise.

The further consideration of the Acting Governor's message on the militia bill, was deferred until to-morrow at 10 o'clock.

Mr. Danford, chairman of the standing committee on Apportionment, to whom was referred a bill to provide for an election of State officers, under the Lecompton Constitution, beg leave to report the bill back to the House, with the following amendments, and recommend their adoption:

1. That section 6 be amended so as to read "seven," instead of "eight," representatives.

2. That section 8 be amended so as to read "two," instead of "one," representative.

3. That section 14 be so amended as to read "two," instead of "one," representative.

4. That section 37 be stricken out entire.

5. That section 38 be amended so as to read "14th Senatorial district," instead of "15th Senatorial district."

Mr. Moore moved to lay said report on the table, until two o'clock to-morrow.

Lost.

Mr. Bassett moved that the House resolve itself into committee of the Whole, to consider House Bill No. 6, and the amendments, as reported by the committee on Apportionment.

Mr. Moore in the chair.

The committee arose, and, through their chairman, reported progress, and asked leave to sit again.

Leave was not granted.

Mr. Danford moved to indefinitely postpone the further consideration of the bill and amendments.

Mr. Stratton moved to lay the motion on the table.

Lost.

Mr. Mitchell called for the ayes and noes.

Ayes were Messrs. Barry, Curtis, Columbia, Danford, Jenkins, Keller, Morrill, Moore, McClure, Mitchell and Zinn—11.

Noes were Messrs. Appelman, Barber, Bassett, Cooper, De-long, Elliott, Graham, Hatterscheidt, Jameson, Lockhart, Owens, Orr, Pennock, Speer, Seymour, Still, Stratton and Wheeler—18.

The motion was lost.

Motion to adjourn until to-morrow morning, at 9 o'clock, was lost.

Mr. Graham moved that the House go into committee of the whole on House Bill No. 6, and the amendments as reported by the standing committee on Apportionment.

Mr. Moore in the chair.

The committee arose, and, through the chairman, reported back House Bill No. 6, together with amendments, and asked the concurrence of the House therein.

Mr. Lockhart moved to concur in the report.

Carried.

Mr. Bassett moved to suspend the rules, consider the bill engrossed, and pass to the third reading.

Mr. Appleman moved that the further consideration of the bill be postponed until to-morrow, at 10 o'clock, which was

Carried.

On motion,

Adjourned until to-morrow, at 9 o'clock.

G. W. DEITZLER,
Speaker of the House of Representatives.

WEDNESDAY, Dec. 16th, 1857, }
NINE O'CLOCK A. M. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Twenty-seven members answered to their names.

Absentees—Messrs. Adkins, Bennett, Curtis, Columbia, Hanna, Miller, Reynard, Still, Stewart, Shannon and Zinn—11.

Journal read and approved.

The regular business being to fix upon a day for adjournment,

Mr. Speer moved to lay the further consideration on the table.

Carried.

Mr. Lockhart, from the standing committee on Engrossed Bills, reported that they have examined House Bill No. 4, and report the same as truly engrossed.

Mr. Moore moved to take up House Bill No. 1, entitled "An act to organize and regulate the Militia of Kansas Territory," as returned by the Acting Governor, with his objections, agreeably to the Organic Act.

The ayes and noes were called.

Ayes—Messrs. Appelman, Barber, Brock, Bassett, Cooper, Delong, Elliott, Graham, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stratton and Wheeler—25.

Noes were Messrs. Barry, Curtis, Columbia, Danford, Mitchell and Zinn—6.

Absent—Messrs. Adkins, Bennett, Hanna, Miller, Stewart and Shannon—6.

By the rule, the Speaker not voting.

Whole number of votes, 31 ; necessary to pass, 21.

Ayes, 25 ; noes, 6.

The bill passed over the Governor's objections, in accordance with the provisions of the Organic Act, and was sent to the Council.

Mr. Cooper moved to indefinitely postpone House Bill No. 6, entitled "An act to provide for an election under the Lecompton Constitution."

Mr. Bassett moved to lay the motion on the table.

Lost.

Mr. Mitchell called for the ayes and noes, and this was the result:

Ayes—Messrs. Barry, Brock, Curtis, Columbia, Cooper, Danford, Jenkins, Keller, Morrill, Moore, McClure, Mitchell, Pennock, Reynard, Wheeler, Zinn and Mr. Speaker—16.

Noes—Messrs. Appelman, Barber, Bassett, Delong, Elliott, Graham, Hatterscheidt, Jameson, Lockhart, Owens, Orr, Speer, Seymour, Still, Stratton—15.

The motion was carried.

Mr. Speer introduced a bill entitled "An act to provide canvassers, and secure true and just election returns."

Mr. Speaker availed himself of the privilege of rule 6, of the rules of order for the House, and recorded his vote in the negative on the above vote, and declared the postponement lost.

Mr. Danford took an appeal from the decision of the chair.

The appeal was lost.

Mr. Curtis, from the standing committee on Enrolled Bills, reported, that they have examined House Bills Nos. 3 and 4, and find the same correctly enrolled.

Mr. Mitchell moved the previous question.

Carried.

The question was, to consider the bill engrossed, and pass to a third reading.

Lost.

Mr. McClure moved that no new business be introduced in this session.

Carried.

Mr. Morrill moved (the Council concurring) that a Joint session of the Council and House of Representatives, be had at 3 o'clock P. M., for the election of officers under the militia law.

Carried.

Mr. Cooper moved that the members from the first Representative district, who were contesting from the first of the session, be entitled to per diem and mileage from the commencement, and that the Secretary of the Territory be instructed to pay accordingly.

Carried.

House took a recess for half an hour.

The half hour having expired, the House convened, and

On motion,

Adjourned until two o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the Chair.

Message from the Council :

I am directed by the Council to inform the House of Representatives, that the Council have disagreed to the amendment of the resolution of the committee, and that a committee of conference, consisting of Messrs. Allen, Mead and Crozier, has been appointed on the part of the Council ; also, that an error, as to the number of the House Bill, had been made, and instead of No. "1," insert No. "2;" also, that the Council has dissented from the House resolution, in their action in reference to Committee on Rules, and substitute the following resolution :

Resolved, By the Council and House of Representatives, (the House concurring,) That the President of the Council and Speaker of the House of Representatives, in connection with a joint committee consisting of two members from each branch of the Legislative Assembly, be appointed and authorized to prepare, for the use of the Legislative Assembly, a full code of rules and parliamentary practice, and to furnish the public printer with a certified copy thereof, as soon as practicable, and that the public printer be and is hereby ordered to print 200 copies of the said rules and parliamentary practice, and to have the same bound in convenient form for the use of the Legislative Assembly ; also,

Resolved, By the Council and House of Representatives, (the House concurring,) That the superintendent of public printing is hereby instructed to have printed 10,000 copies of the laws and joint and concurrent resolutions, passed at the present session of the Legislative Assembly ; also, 2,000 copies in the German ; also, 10,000 copies, each, of the journals of the Council and House of Representatives ; and that he forward, at the earliest practicable time, to each member and officer of both branches, 100 copies of each, and that the same be published in all the newspapers of the Territory, one time ; also, that the Council has passed, over the veto of the acting Governor, House Bill No. 1, entitled "An act to organize the militia of Kansas Territory ;" also,

Resolved, That the Council is now ready to adjourn, *sine die*.

J. K. GOODIN,

Secretary.

Mr. Moore moved to reconsider the resolutions to print laws.

Carried.

Mr. Moore moved to substitute concurrent resolutions of the Council with the following amendments: In the fifth line, after the word "Assembly," insert, first, the words "also, 2,000 copies in German;" strike out the word "also." Second, "10,000 copies of the journals of the Council and House of Representatives."

Carried.

Mr. Speer moved to strike out the words "one time," and insert "three times."

Carried, and

Council notified of the substitute.

Mr. McClure moved to lay resolution of the Council, to adjourn *sine die*, on the table.

Carried.

Standing Committee on Public Printing made the following report:

MR. SPEAKER:—The Committee on Printing beg leave to report that they have examined the within report of the public printer, which shows a full statement of the amount of printing done for the use of this House up to the date thereof. They further state that they have carefully examined the same, and find it correct, according to the proof of copies of work done, and beg leave to submit specimen copies of all the work done, together with the account of the printer, which account they recommend to be paid.

G. SEYMOUR,
Chairman.

LECOMPTON, K. T., December 16, 1857.

Territory of Kansas, to W. W. Ross, printer, Dr.

To printing, Dec. 11th, ten thousand copies of Governor's Message, (ordered Dec. 10th,) composition 14,000 ems, \$14; Press work, two forms, 80 tokens, \$80; paper, 5 reams, 10 tokens, \$40.

Dec. 11th, one hundred Yea and Nay lists, (Council,) composition, 2,000 ems, \$2; press work, 1 token, \$1; paper, 1 1-2 reams; one token, \$2.

Dec. 11th, one hundred Yeas and Nays, (House,) composition, 4,000 ems, \$4; press work, 1 token, \$1; paper, 1-2 ream; one token, \$2.

Dec. 12th, to two hundred copies of the bill to provide for election and submission of the Lecompton Constitution—composition, 19,000 ems, \$19; press work, 2 tokens, \$2; Paper, 1 token, \$4.

Dec. 12th, two hundred rules of order of House—composition, 16,000 ems, \$16; press work, 2 tokens, \$2; paper, 1 token, \$4; binding 300 certificates and receipts, \$20. Total, \$241.

The undersigned begs leave to submit the above report, containing a correct statement of the amount of incidental printing done by order of the House. There is also submitted a copy of every job, for inspection.

All of which is respectfully submitted.

W. W. ROSS,

Pub. Printer for the Legislative Assembly of K. T.

Mr. Lockhart moved that the courtesies of the House be extended to A. D. Richardson, correspondent of the *Boston Journal*, *Cincinnati Gazette*, &c., &c., and that he be admitted within the bar.

Carried.

Mr. Curtis moved that H. R. Whiting be employed as assistant enrolling clerk during the remainder of the session.

Carried.

Message from the Acting Governor, by his Private Secretary, Mr. Walsh :

MR. SPEAKER:—I am directed by the Acting Governor to inform the House of Representatives that he has approved and signed a bill entitled "An act for the prevention and punishment of election frauds."

The hour having arrived that the Council and House of Representatives had fixed to go into joint session, the members of the Council were conducted into the hall of the House by their Sergeant-at-Arms.

The President of the Council took the chair.

The convention having assembled, the President announced that the business was to elect officers, provided for by the Act organizing the militia, requiring one Major General, eight Brigadier Generals, one Adjutant General, one Commissary General, one Quartermaster General, one Inspector General, one Surgeon General.

Mr. Crozier, of the Council, moved that we proceed to the nomination of candidates for Major General.

Nominations being in order, Mr. Speer nominated James H. Lane.

The nominations being closed, the convention proceeded to the election of Major General.

Upon counting the vote, J. H. Lane having received a majority of all the votes, was declared, by the President, elected Major General.

Nominations, for Brigadier General, being in order, Mr. Holliday nominated L. G. Cleveland, Mr. Curtis nominated Robert W. Daniel, Mr. Pennock nominated J. V. Jameson, Mr. Stratton nominated Hiram Hensells, Mr. Jenkins nominated Asa Hall, Mr. Speer nominated Samuel Walker, Mr. Lockhart nominated James Blood, Mr. Crozier nominated Isaac G. Losee, Mr. Moore nominated A. Lazalere, Mr. Columbia nominated P. B. Plumb.

On motion,

The nominations closed, and

Mr. Holliday, of the Council, in order to facilitate the election and to agree upon candidates,

On motion,

A committee of three members of the Council and five members of the House were appointed to report suitable names.

Carried.

The President, upon the part of the Council, appointed Messrs. Holliday, Learnard and Mead.

The Speaker, on the part of the House, appointed Messrs. Bassett, Jameson, Owens, Mitchell and Speer.

The convention took a recess of fifteen minutes.

The recess having expired the convention reassembled, and

Mr. Holliday, of the Council, chairman of the committee, being ready, submitted the following report:

Your committee appointed to recommend suitable persons for the respective positions under the Militia Bill, passed this session, report the following:

For Brigadier Generals—1st. Of Leavenworth county, I. G. Losee. 2d. Of Doniphan county, S. V. Jameson. 3d. Of Grasshopper Falls, Geo. S. Hillyer. 4th. Of Manhattan, Asa Hall. 5th. Douglas county, Samuel Walker. 6th. Topeka, L. G. Cleveland. 7th. Linn county, Calvin M. McDaniel. 8th. South Western, John H. Whistler.

Adjutant General, Charles Chadwick, of Quindaro.

Commissary General, Hiram Housell, of Doniphan.

Inspector General, J. F. Hill, of Topeka.

Quarter Master General, S. W. Eldridge, of Lawrence.

Surgeon General, S. B. Prentiss, of Lawrence.

Mr. Moore moved that the report of the committee be taken as the nominations of the different candidates, for the several offices; with the understanding that any member, on the call of his name, can vote for any candidate he may chose, outside the nominations presented.

Carried.

For Brigadier Generals, J. G. Losee, of Leavenworth, received 43 votes;

S. V. Jameson, of Doniphan, received 39 votes;

George S. Hillyer, of Grasshopper Falls, received 43 votes;

Asa Hall, of Manhattan, 43 votes;

Samuel Walker, of Douglas county, 43 votes;

L. G. Cleveland, of Topeka, 43 votes;

Calvin M. McDaniel, of Linn county, 43 votes;

John H. Whistler, of Burlington, 43 votes ;

A. Larzalere, of Doniphan county, received 4 votes.

For Adjutant General, Charles Chadwick, of Quindaro, received 43 votes.

For Commissary General, Hiram Housell, 43 votes.

For Inspector General, J. F. Hill, 43 votes.

Quarter Master General, S. W. Eldridge, of Lawrence, 43 votes.

Surgeon General, S. B. Prentiss, 43.

Whereupon, I. G. Losee, Sam. V. Jameson, G. S. Hillyer, Asa Hall, Sam. Walker, L. G. Cleveland, Calvin M. McDaniel and John H. Whistler, having received a majority of all the votes cast, were, by the President, declared elected as Brigadier Generals.

Charles Chadwick, Adjutant General ; Hiram Housell, Commissary General ; J. F. Hill, Inspector General ; S. W. Eldridge, Quarter Master General ; S. B. Prentiss, Surgeon General, having received a majority of all the votes, were, by the President, declared elected to the offices set opposite their names.

There being no further business the convention adjourned *sine die*.

The House took a recess for one hour.

The hour having expired, the House again assembled.

Message from the Council :

MR. SPEAKER :—I am directed by the Council to inform the House of Representatives that the Council returns House Bill No. 2, with the following amendments, and ask your concurrence therein :

Section first, line twenty-three, strike out the words " the Lecompton " and insert " said."

Section first, line twenty-six, strike out the words " Lecompton constitution " and insert the words " For the constitution framed at Lecompton, with slavery."

Section first, lines 30 and 31, strike out the words "Lecompton constitution, without the slavery article" and insert the words "For the constitution framed at Lecompton, without slavery."

Section first, line 34, strike out the words "No Lecompton constitution" and insert the words "Against the constitution framed at Lecompton."

Insert section three, and change numbers of same in section: The commissioners provided for in this act shall, by proclamation, at least five days before the day for the election herein provided for, indicate the place at which, in their respective counties, said election shall be held, and the judges who are to hold the elections in the several precincts.

Section third, line fourteenth, strike out the word "the" and insert the words "keep each a."

Section fourth, line fifth, strike out the word "either" and insert the words "any two."

Section six, line four, strike out the word "had" and insert the word "instituted."

Section nine, lines four and five, strike out the words "at any election to be held hereafter in this Territory," and insert the words "at the election herein provided for."

Section nine, in the ninth line, strike out the word "and."

And that the title of the bill be changed so that it will read: "An act submitting the constitution, framed at Lecompton under the act of the Legislative Assembly of Kansas Territory, entitled 'An act to provide for taking a census and election of delegates to a convention,' passed February 19th, 1857."

Two messages from the Acting Governor, by Mr. Walsh, his private secretary:

To the House of Representatives of the Territory of Kansas:

GENTLEMEN:—I herewith return the bill, originating in your House, entitled "An act repealing an act entitled 'An act to provide for taking a census, and election for Delegates to a Convention.'"

In my communication to the two Houses, at the commencement of the present session of the Legislative Assembly, I distinctly stated my objections to the measure now presented for my approval. Believing that the Legislature has no power to repeal the act organizing the late constitutional convention, after its functions have been executed, I cannot approve the bill for that purpose, but now return it to the House in which it originated.

LECOMPTON, Dec. 16, 1857.

FRED. P. STANTON.

LECOMPTON, Dec. 16, 1857.

To the House of Representatives of Kansas Territory:

GENTLEMEN:—I have duly considered the preamble and joint resolutions in relation to the constitution framed at Lecompton, Kansas Territory, November 7th, 1857. They do not constitute a law, in the proper sense of that term, and do not seem to me to require the approval of the Governor. I have no objections to the resolutions themselves, but there are some statements in the preamble in which I do not concur.

A resolution which merely expresses the opinions of the two Houses of the Legislative Assembly, I will very cheerfully communicate them to the President and Congress, as therein requested; but I decline to approve and sign them, for the reasons stated.

FRED. P. STANTON,

Acting Governor.

Mr. Bassett moved a reconsideration of the bill entitled "An act repealing an act entitled 'An act for taking a census, and election for Delegates to a Convention.'"

The question being "Shall the bill pass over the Acting Governor's objections?" the ayes and noes were called.

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Columbia, Cooper, Curtis, Delong, Elliott, Graham, Hatterscheidt, Jameson, Jenkins, Keeler, Lockhart, Morrill, Moore, McClure, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stratton, Wheeler, Zinn—29.

Noes—Mr. Mitchell—1.

The bill passed, and

The Council notified.

Mr. Curtis moved that a committee of three be appointed to consider the Acting Governor's message on the preamble and joint resolutions in relation to the Lecompton Constitution.

The Chair appointed Messrs. Curtis, McClure and Jameson.

Message from the Council:

I am instructed to inform the House that the Council have passed the bill entitled "An act repealing an act to provide for ---"

taking a census, and election for Delegates to a Convention," by a unanimous vote, the Governor's veto notwithstanding.

J. K. GOODIN,

Secretary.

The committee on Accounts beg leave to report as follows:

The officers of the House, whose pay is not provided for in the act of Congress organizing this Territory, are Henry C. Sargent, enrolling clerk; Guilford Dudley, engrossing clerk; William Butler, assistant doorkeeper; Charles H. Lovejoy, chaplain; Robert Speer, messenger; H. R. Whiting, assistant enrolling clerk.

The committee would recommend that these officers be allowed the same salary, per diem, as the members of the House, and that the clerk be authorized to issue orders for the same.

The sums to which these officers would be entitled, is, respectively, as follows:

Henry C. Sargent, thirty-three dollars.

Guilford Dudley, " "

William Butler, " "

Charles H. Lovejoy, " "

H. R. Whiting, six dollars.

Robert Speer, thirty-three dollars.

The committee would, also, recommend that the chief clerk be allowed the per diem to which he is entitled, by law, for ten days, for the labor performed by him after the adjournment of the present session, that being the estimated time necessary to finish the journal of the House.

All of which is respectfully submitted.

R. G. ELLIOTT, Ch'n.

ASA REYNARD.

B. H. BROCK.

C. COLUMBIA.

P. R. ORR.

Committee.

On motion,

Adjourned until 9 o'clock to-morrow.

G. W. DEITZLER,

Speaker of the House of Representatives.

THURSDAY, Dec. 17th, 1857.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called, and twenty-eight members answered to their names.

Absentees—Messrs. Adkins, Bennett, Danford, Hanna, Keller, Moore, Mitchell, Miller, Shannon, Stewart—10.

Mr. Speer moved to reconsider the resolution, that no new business be introduced into this session.

Carried.

Mr. Speer introduced the bill entitled "An act repealing an act to punish rebellion."

Mr. Morrill moved to suspend the rules, and read the bill a second time.

Carried.

Mr. Stratton moved to suspend the rules, and the bill be read the third time.

Carried.

The question being upon the final passage of the bill, the ayes and noes were taken.

Ayes were Messrs. Appelman, Barber, Bassett, Brock, Columbia, Cooper, Delong, Elliott, Graham, Hatterschiedt, Jameson, Jenkins, Lockhart, Morrill, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stratton, Wheeler—24.

Noes—Mr. Curtis—1.

Absent, or not voting—Messrs. Adkins, Bennett, Danford,

Hanna, Keller, Moore, McClure, Mitchell, Miller, Shannon, Stewart, Zinn and Mr. Speaker—13.

On leave, Mr. Bassett introduced a bill entitled "An act to authorize district attorneys to enter *nolle prosequis* in certain cases."

Mr. Speer moved the rules be suspended, and the bill be read a second time.

Carried.

Mr. Owens moved that the bill be considered engrossed, and read a third time.

Carried.

The question being upon the final passage of the bill, the ayes and noes were taken.

Ayes were Messrs. Appelman, Barber, Barry, Bassett, Columbia, Cooper, Delong, Elliott, Hatterscheidt, Jameson, Jenkins, Lockhart, Morrill, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stratton, Wheeler, Zinn—23.

Noes—none.

Absent, or not voting—Messrs. Adkins, Brock, Bennett, Curtis, Danford, Graham, Hanna, Keller, Moore, McClure, Mitchell, Miller, Shannon, Stewart and Mr. Speaker—15.

On motion,

The House took a recess for half an hour.

At the expiration of the recess, the House reassembled.

No quorum being present,

The sergeant-at-arms was ordered to bring in absentees.

Message from the Acting Governor, by Mr. Walsh, his private secretary :

The Acting Governor has approved "An act submitting the Constitution, framed at Lecompton, under the act of the Legislative Assembly of Kansas Territory, entitled 'An act to provide

for the taking a census, and election of delegates to a convention,' passed Feb. 19, A. D. 1857,'” and “An act to provide for an election on the submission of the Lecompton Constitution.”

Mr. Curtis moved that no new business be introduced during the present session.

Mr. McClure moved to lay the motion on the table.

Carried.

On motion,

Adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Message from the Council:

MR. SPEAKER:—I have the honor to inform the House of Representatives, of the passage, by the Council, of the following Concurrent Resolutions:

Resolved, By the Council and House of Representatives. (the House concurring) That the Legislative Assembly do adjourn, this day, at 3 o'clock P. M.

J. K. GOODIN,
Secretary.

Mr. Bassett moved to lay the resolution on the table.

Carried.

Message from the Council:

MR. SPEAKER:—I am directed to inform the House that the Council has passed House Bill No. 7, entitled “An act to repeal an act entitled ‘An act to punish rebellion,’” with the following amendments:

Sec. 2. This act to be in force from and after its passage.

That the title be amended [so] as to add the words “Approved Feb. 17, 1857.”

Also, that the Council has passed House Bill No. 8, entitled

"An act to authorize the district attorneys to enter *nolle prosequis* in certain cases," with the following amendments:

Add to section 1 the words "Approved Feb. 17th, 1857."

Sec. 2. This act to [take] effect and be in force from and after its passage.

Strike out, in the title, the words "to authorize," and insert "instructing."

Also, that the Council has passed the following concurrent resolution:

Resolved, By the Council and House of Representatives of the Territory of Kansas, (the House of Representatives concurring,) That a committee of three on the part of the Council, and five on the part of the House, be appointed at an early day, to prepare a statement of facts in answer to the President's message to the first session of the 35th Congress, with reference to the past history and present position of the people of this Territory upon the subject of a State government, and forward a copy of the same to the President, and respectively to the Senate and House of Representatives of the United States.

Also, that the committee on conference, to whom was referred resolution on printing, have agreed upon the following recommendation: That the House of Representatives recede from their amendment striking out the printing of the journals, and that the Council concur in the House amendment, to print 2,000 copies of the laws in German.

Mr. Stratton moved that amendments of Council to House Bill No. 7 be concurred in.

Carried.

Also, that Council amendments to House Bill No. 9 be concurred in.

Carried.

Mr. Jameson moved to rescind the resolution providing that no new business shall be introduced.

Carried.

Mr. Bassett introduced a bill, entitled "An act repealing an act to punish offenses against slave property, and other."

Mr. Stratton moved that the rules be suspended, and the bill read a second time.

Carried.

Mr. Speer moved that the bill be considered engrossed, and pass to a third reading.

Carried.

The House went into committee of the whole for the consideration of the bill.

The committee arose, and, through Mr. Curtis, the chairman, reported back the bill, without amendment.

Mr. Speer moved that the bill be referred to a select committee of three.

Carried.

The committee consisted of Messrs. Speer, Graham and Bassett.

The chair announced the committee to review the President's message, in accordance with the concurrent resolutions, as follows: Messrs. Elliott, Wheeler, Seymour, Bassett and Barber.

The special committee to whom was referred the bill entitled "An act to punish offenses against slave property, and others," report back the bill, and recommend its passage.

Report accepted.

The question being upon the final passage of the bill, the vote was as follows:

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Columbia, Cooper, Delong, Elliott, Graham, Hatterscheidt, Jameson, Jenkins, Lockhart, Morrill, McClure, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stratton, Wheeler and Zinn—26.

Noes—none.

The bill passed.

On motion,

Messrs. Cooper, Speer and Morrill were appointed a committee to inform the Governor that the House had finished its busi-

ness, and was ready to adjourn, unless he had further communication to make.

Message from the Governor:

LECOMPTON, Dec. 17, 1857.

To the House of Representatives of Kansas Territory:

GENTLEMEN:—I have duly considered the act entitled “An act instructing district attorneys to enter *nolle prosequis* in certain cases,” which has this day been presented for my approval. Being wholly without information as to the character and merit of the cases intended to be discontinued by that act, I cannot conscientiously give it my sanction. In refusing to approve the proposed law, I entertain the confident belief that the present juries of the country will do justice to any person who may be charged with crime under the law whose operation is thus intended to be suspended.

FRED. P. STANTON.

Mr. Bassett moved to reconsider the bill entitled “An act to repeal an act entitled ‘An act to punish rebellion.’”

Carried.

The question being upon the passage of the bill, notwithstanding the Governor’s objections, the vote was as follows:

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Columbia, Cooper, Delong, Elliott, Graham, Hatterscheidt, Jameson, Jenkins, Lockhart, Morrill, McClure, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stratton, Wheeler, Zinn—26.

Noes—Mr. Curtis.

Bill passed, and Council notified.

Mr. Bassett moved to reconsider the vote upon the bill entitled “An act instructing district attorneys to enter *nolle prosequis* in certain cases.”

Carried.

Mr. Graham moved to postpone, indefinitely, the whole matter.

Mr. McClure moved to lay the motion on the table.

Carried.

The question being upon the final passage of the bill, the Acting Governor's veto notwithstanding, the vote was as follows :

Ayes—Messrs. Barry, Bassett, Cooper, Delong, Elliott, Hatterscheidt, Jameson, Lockhart, Owens, Speer, Still, Stratton, Wheeler—13.

Noes—Messrs. Appelman, Barber, Brock, Columbia, Curtis, Graham, Jenkins, Morrill, McClure, Orr, Pennock, Reynard, Seymour, Zinn—14.

The bill was lost.

Mr. Curtis introduced the following :

Resolved, By the Council and House of Representatives, (the Council concurring,) That the Legislative Assembly adjourn at 5 1-2 o'clock.

Carried.

Mr. Morrill moved the following :

That we tender the Speaker our hearty thanks for the able and dignified manner in which he has discharged the duties of his office.

Carried.

Mr. Curtis moved that a committee of three be appointed to approve the journal of to-day.

Carried.

The chair appointed Messrs. Curtis, Delong and Pennock.

Message from the Council :

MR. SPEAKER :—I have the honor to inform that the Council has passed House Bill No. 7, the veto of the Acting Governor to the contrary notwithstanding, "An act to repeal an act entitled 'An act to punish rebellion.'"

Also, that they have adopted the following resolution :

Resolved, By the Council and House of Representatives, (the House concurring,) That the Legislative Assembly do adjourn *sine die* at fifteen minutes past five o'clock P. M.

Also, that the Council have appointed a committee on President's message, Messrs. Learnard, Holliday and Crozier.

J. K. GOODIN,
Secretary.

The hour having arrived fixed by concurrent resolutions, the House adjourned *sine die*.

G. W. DEITZLER,
Speaker of the House of Representatives.

C. F. CURRIER,
Chief Clerk.